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Another paradise lost? : A case study of nation building in East Timor

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ANOTHER PARADISE LOST?

**A CASE STUDY OF NATION BUILDING
IN EAST TIMOR**

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Brendan Paul McShanag

**A thesis submitted in partial fulfilment of the
requirements
for the award of**

Bachelor of Arts Honours (Politics and Government)

**in the faculty of International, Cultural and Community
Studies, Edith Cowan University**

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USE OF THESIS

The Use of Thesis statement is not included in this version of the thesis.

Abstract

This thesis examines the form of reconstruction intervention known as ‘nation building’, through a case study of the United Nations led operation in East Timor that began in 1999. It examines how the idea of the nation and statehood first arose, and how these ideals are still prevalent in modern nation building interventions. The thesis also examines the weaknesses and ambiguities that have become associated with nation building, and how such weaknesses have found a common thread through subsequent interventions

The thesis then uses the case study of the intervention in East Timor, dividing the operation in to three stages; the initial stabilising operation, the institution building phase, and the final withdrawal in 2002. The examination of these phases forms the central focus of the thesis, as such an assessment provides insight into the various challenges that accompany such operations. The thesis assesses the success of these different phases, and from this provides findings that give insight the causes behind the crisis of governance that arose within East Timor during 2006. From this the thesis will provide limited findings on what areas such interventions face particular challenges, and on the overall viability of nation building as a solution to state failure.

Declaration

I certify that this thesis does not, to the best of my knowledge and belief,

1. incorporate without acknowledgement any material previously submitted for a degree or diploma in any institution of higher education.
2. contain any material previously published or written by another person except where due reference is made in the text of; or
3. contain any defamatory material.

Signature

Date... 28/2/07

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GLOSSARY

CNRT: National Council of Timorese Resistance. Pro-independence group that, though not a sovereign government, enjoyed considerable de facto legitimacy both before and during the UNTAET intervention.

UNAMET: United Nation Mission in East Timor. The UN mission to Timor that existed from May 5 Agreements in 1999 to the intervention of UNTAET later that year.

INTERFET: INTERNational Force East Timor. A multinational peacekeeping taskforce mandated by the United Nations to address the humanitarian and security crisis which took place in East Timor from 1999-2000 until the arrival of United Nations peacekeepers.

NC: National Council. Thirty-three-member council that was formed in 2000 out of the initial NCC. Included many members of original council, but expanded to include student, women's and church groups.

NCC: National Consultative Council. Fifteen-member council that was formed under UNTAET as a successor to the CNRT, being made up almost exclusively by former members of the initial council.

S/2001/423: Such a form of reference is the code of a UN Report, or report of the Secretary-General.

TNI: Tentara Nasional Indonesia. Indonesian title for the Indonesian Armed Forces.

UN: The United Nations. An international organization that aims at facilitating co-operation in international law, international security, economic development, and social equity.

UNMISET: United Nations Mission of Support in East Timor. The successor mission to UNTAET, its mandate expired on 20th May 2005.

UNTAET: The United Nations Transitional Administration in East Timor. The official title for the nation building operation that existed in East Timor between 1999 and 2002.

INTRODUCTION

As of mid-2006, the Democratic Republic of Timor-Leste functions only at the most basic of levels. The ruling Fretilin Party remains incapable of governing the state as tension between ethnic groups within the government and military led to bitter infighting and civil unrest resulting in the intervention of an Australian-led multinational peacekeeping force in May 2006. This intervention represented the lowest point of a crisis of confidence in governance. Such confidence had been steadily declining in the early part of this year.

Such a scenario would have been inconceivable to international observers only a short time ago. In mid-2005 the United Nations Mission of Support in East Timor (UNMISET) began a final withdrawal of its resources that was to take approximately 12 months¹. This withdrawal was built upon the positive reports by both UNMISET and several other parties such as East Timorese Government, other external nation states that were involved including Australia and Portugal, as well as the increasing optimism of the East Timorese people (UNMISET, 2005; Heffernan, B, & Adams, D, & Cunningham, A, & Lindsay, P, 2003). Indeed, even as late as 2005, East Timor continued to be perceived as an example of a successful nation building operation (Dobbins, 2005)².

Before the 30th of August 1999, the issue of East Timor had remained unresolved for the international community (Gorjão, 2001, p.101). After several centuries of colonial rule,

¹ UNMISET replaced UNTAET after the Timorese independence in 2002.

² See "Security Council Resolution 1599" in appendix for an example of the optimism the U.N. held for Timor as of May 2005.

the Portuguese left the people of East Timor to determine their own fate on the 28th of November 1975. This independence lasted nine days with the Indonesian army invading the fledgling state claiming that the ruling Fretilin regime had communist links (Lawless, 1976, pp. 950-951). The USA, the major western power in the region at this time, was finally withdrawing itself from a lengthy and costly intervention into communist Vietnam. Fearing that its failure in Indo-China had brought about a domino-like effect in Asia that would see the rise of communist regimes throughout the region, the USA and its major regional ally in Australia were content to let the pro-western regime that ruled Indonesia retain control of East Timor. This occupation would last for almost 25 years (Dobbins, 2005, p.151).

The end of the Cold War, the Asian Financial Crisis of 1997, and regime change in Indonesia were all factors creating an atmosphere in which the status of East Timor could finally be addressed (Dobbins, 2005, pp.151-152). Indonesia's new President Jusuf Habibie acceded to letting the population of East Timor hold a referendum on August 30 1999 to vote on whether to allow the East Timorese increased autonomy under the umbrella of Indonesian rule. While this was therefore not strictly a vote on independence, it was made clear to all parties by the United Nations that if the East Timorese rejected the proposed autonomy in the referendum by a large enough majority, that would suffice to force a process of full independence from Indonesia to take place.

The East Timorese rejected autonomy under Indonesia by a majority of almost 80 per cent, a result that would require the Indonesian government to allow the UN to forge

ahead with the process to achieve formal independence for the people of East Timor (Country Strategy Paper: East Timor, 2001, p.1; Dobbins, 2005, pp. 151-153; Gorjão, 2002, pp.313-314). The aftermath of this referendum result is the point at which the thesis will begin its examination of East Timor and the UNTAET operation.

Thus, the initial intention when choosing nation building in East Timor as a thesis topic was to examine how the UN and its agencies had undertaken such a highly complex intervention in such a short period of time, and to provide an overarching understanding of what such an operation actually involves. Even before the violence that erupted in May and June 2006, previous research had suggested that the UN reports and press releases on East Timor could potentially be seen as misleading; independent assessments from research centres such as RAND and Global Policy Forum, alongside literature produced by former UNTAET staffers were far less optimistic.³ Yet even these opposing views did little to blunt the shock that accompanied the realisation that this fledgling state had so quickly devolved into violence. It was in this context that the aim of this thesis turned to examine the increasingly apparent deficiencies in the Timorese operation, as well as the effectiveness of nation building as a viable form of reconstruction in such instances.

The issue to be addressed within this thesis, therefore, is how to explain the failure of nation building in East Timor. In an attempt to address such issues, the thesis will focus on several research questions:

³ Compare reports such as those promoted by UNTAET and other UN organisations against literature authored by those critical of the intervention such as Chopra, Goldstone, Smith, Steele, Philpott, and also recent press reports of the unrest in Timor.

1. What is nation building? How has it developed?
2. How did the consecutive UN-led operations in Timor go about stabilizing the situation within Timor after the violence that followed the 1999 referendum?
3. How successful was the operation to rebuild Timor's institutions in the short and long term?
4. Why did UNTAET's mandate end prematurely, leaving Timor with unresolved ethnic and political tensions?

Methodology

This thesis adopts a case study approach to the problem of understanding nation building. A case study can be defined as “an in-depth, multifaceted investigation, using qualitative research methods, of a single social phenomenon”, where this phenomenon is seen “as part of a larger set of parallel instances” (Feagin, Orum & Sjoberg, 1991, p.2). Robert Yin (2003, p.1) writes that “case studies are the preferred strategy when ... the investigator has little control over events, and when the focus is on a contemporary phenomenon with some real-life context”, and so the case study of East Timor is approached as such in this thesis.

Case studies have been criticised for their lack of quantitative analysis. However, when examining the topic of nation building it became apparent that a purely quantitative study would fail to adequately provide insight into the unique circumstances that can vary greatly between different nation building interventions (Feagin, et al, 1991, p.1). A case study permits the thesis to examine the operation in East Timor within the broad structure of a nation building operation, while still letting the thesis make allowances for circumstance that are unique to the Timorese experience.

Using the intervention in East Timor as a strategy for approaching the topic is appropriate, as the intervention was recently concluded and there was sufficient documentation to support such a study, allowing a thorough examination of nation

building interventions as a whole (Babbie, 2005, p. 306). However, having approached this thesis without prior knowledge of the crisis of 2006, and having had to move from a historical examination to one that has contemporary elements has forced a change of focus. While sufficient literature exists on the Timor intervention and the country's independence through to 2004/2005, there is a lack of scholarly examination of the events and causes of the crisis in 2006. The thesis has therefore altered its focus to using an analysis of the documentation and literature written both during and directly after the intervention and subsequent independence, in order to determine whether the events of 2006 could have been foreseen.

Despite the fact that the direction of this thesis has been altered by the recent events in East Timor, a case study remains the most appropriate form of examination for assessing the viability of nation building operations, as the seemingly rapid transition from a functional democracy to a situation of lawlessness and violence raises serious issues within the nation building process that can be addressed at length within the Timorese operation. However, it is also important to outline how such reconstructions are approached by prospective nation builders, and how nation building has come to be viewed and defined.

The concept of nation building will form its own chapter, devoted to examining how reconstruction and development projects have advanced. However, this section will outline initially what methodology this thesis will use to examine nation building, both as a method of reconstruction and within the context of East Timor. At first glance, nation

building appears to be a consistent and stable theory, which addresses the processes that should be followed to bring a weak or failing state through a series of stabilisation and reconstruction programs towards self-sustainment. James Dobbins (2003) and his team at the RAND institute define nation building as “the use of armed force in the aftermath of a conflict to underpin an enduring transition to democracy”. This definition is inherently vague because nation building operations can vary greatly in their characteristics. Fukuyama provides a definition of greater complexity; however, it is also narrower in scope.

Initially, suggests Fukuyama (2004, pp.1-3), the nation-state must be stabilised, usually involving the deployment of troops from external powers, often made up of a union of surrounding or concerned states. Following the successful stabilisation of the “client state”, a process of reconstruction will begin, rebuilding institutions such as the government and treasury, military and police forces, hospitals and welfare centres, and other establishments deemed integral to the functionality of the nation state (Fukuyama, 2004, pp.1-2).

While Dobbins and Fukuyama are generally accepted as the leading experts in this field, they fail to outline how and when an exit strategy should be developed and implemented to return sovereignty to the citizens of the “client state”.⁴ When examining the case of the UN-led nation building intervention in East Timor, it became apparent that the drive to

⁴ See such debates as “A Brookings Briefing: The US and UN Roles in Nation Building: A Comparative Analysis” for examples of both Dobbins and Fukuyama debating nation building topics (and as evidence of their eminent position within the field). Also Fukuyama does make reference to a withdrawal from an intervention, but implies that it is a result of the two initial phases rather than an independent phase itself.

quickly return sovereignty and engage in a withdrawal from Timor was a central aim of the intervention, and also became one of its most difficult and complex phases. This is highlighted when both current and previous nation building interventions are also examined.⁵ The ability to execute a viable withdrawal from an intervention is therefore integral to carrying out a successful nation building intervention, and this forms a key question for this thesis.

Despite flaws in the approach to, and conceptualisation of, nation building this thesis will use the criteria from both Dobbins and Fukuyama to develop a methodology that will be used to examine the nation building operation in East Timor. This methodology will also include the withdrawal from an intervention as a separate phase, despite the fact that Dobbins and Fukuyama have generally overlooked this process. This is because of the importance that this thesis places on the UNTAET's withdrawal from East Timor, with an emphasis on the political, social and economic situations that the UN left Timor in upon its exit.

The thesis will also examine a series of UN reports that date from 1999 through to 2005 that include both reports by the various missions (UNTAET, UNMISSET) on behalf of the Secretary-General, and resolutions by the UN Security Council that detail decisions made by the UN in regards to East Timor. In total there are 22 reports that were published on behalf of the Secretary-General during this time, alongside 17 resolutions decided upon by the Security Council. An examination of these reports highlights a tendency towards

⁵ The interventions in Bosnia and Iraq have both suffered from the intervening forces becoming bogged down in low grade, yet long term, conflicts that prevent any viable exit strategy.

positive conclusions that bear little resemblance to the actual situation in Timor, details of which are often inconsistently included within the same reports. The examination of such reports, in conjunction with the assessments drawn from other literature, will form a major focus of the case study of East Timor within the latter half of this paper.

Significance

Nation building has developed significantly since its inception during the reconstruction operations in Germany and Japan following the Second World War. Today, its significance could not be greater as the United States undertakes major interventions in the Middle East and the UN continues its operations in the Balkans and in many other regions of the globe⁶. With an increasing number of states becoming defined as weak and failing, the importance of developing a viable system of state reconstruction can only increase.

The intervention in East Timor after 1999 is an important case study of nation building. Until the outbreak of violence in May 2006, East Timor was viewed by the international community as a shining success for both the UN and proponents of nation building interventions worldwide and this perception was used to promote an international commitment to nation building as a solution to global issues of weak and failing states(Kurlantzick, 2006, pp.1-2; Urbina, 2002). However, the failure of the newly independent East Timorese government in early 2006 calls into question the viability of nation building and reconstruction projects. It is vital, then, that the problems encountered in nation building in East Timor are fully understood.

⁶ These include operations in the African nation states of the Ivory Coast, Liberia and Burundi, and also other operations around the world including Haiti and Lebanon.

The Timorese intervention also has significance as a regional issue for nation states in Southeast Asia and the Pacific. The presence of an “arc of instability” throughout the Pacific Rim has heightened concerns about regional security (Rumley, Forbes & Griffin, 2006). The failure of the East Timorese intervention has major repercussions especially for those regional states such as Malaysia and Thailand, who were involved in the initial intervention through to 2002, and are likely to be called back to Timor under the guise of a future UN rescue mission. This, of course, is a reality for Australia who has already been forced to deploy troops in Timor to quell the sudden violence.

CHAPTER 1:

THE EVOLUTION OF NATION BUILDING

This chapter will examine the idea of “nation building” as it has developed in both theory and practical implementation during the last century. It is vital to clearly articulate the components of nation building, as they have played a substantial role in directing the goals and mandates of operations through to East Timor in 1999 and beyond. First of all, however, it is important to understand the enduring concepts that have underpinned nation building and how these have evolved.

Benedict Anderson (1983, pp.5-6) wrote in his “Imagined Communities” that a nation is an “imagined political community ... both inherently limited and sovereign”, and is so imagined because in even the smallest nation, no one citizen can ever hope to fully come to visualise the entirety of his or her nation. Anderson (1983, pp.5-6) argued that for a nation to exist, its citizens must create for themselves an image of what their nation consists of, because there is little means to quantitatively measure the existence of nations. In turn, a nation is seen to be inherently limited as its very existence presumes the fellow existence of other nations.

In addition, Anderson (1983, pp.5-6) argues that a nation does not endeavour to encompass all of the peoples of the world, such as those peoples belonging to a religion

do, for it is inherently secular, and draws its definition from the existence of fellow nations. Finally, Anderson (1983, p.7) argues that a nation was sovereign because this allowed its citizens to wrest away power from their traditional rulers during the upheavals of The Enlightenment. Nations provided their citizens with a legitimate alternative to the traditional rule of the aristocracy, and through this function served to provide their citizens with a common identity.

For a nation to be “imagined” into reality, however, historically there has been a commonality between its members (Anderson, 1983, p.7). Most traditional nation states replaced the binding force of their monarchy or ruling class with the ideals that all of their citizens were of similar characteristic, which could include ethnicity, culture or language (Anderson, 1983, pp. 7-8). This ideology of the modern nation state was first defined at the Treaty of Westphalia in 1648, which ended the Thirty Years’ War and where all parties agreed on basic principles that would come to underpin present days’ international relations (Gross, 1948, pp. 23-25)⁷. These included the ideals of sovereignty, equality, and non-intervention in a nation state’s affairs, all of which become especially pertinent when examining the nation building operation in East Timor.

Despite these developments, it was not until the creation of the United States of America in 1776, and the subsequent outcome of its internal conflicts and prejudices, that the

⁷ The Thirty Years' War was both a religious war fought between the Protestant and Catholic sections of Christianity, and a territorial-based conflict between the various dynasties of Europe during the 17th Century. Its conclusion in 1648 led much of Europe to acknowledge a form of international relations whose guidelines are still in use in the 21st Century, despite the presence of such super-national organisations as the United Nations and the Bank of Reconstruction and Development (World Bank).

world was faced with a nation made up of citizens that had little in common apart from the region in which they resided (Stephenson, 2005, p. 1). It is important to note here that a “nation” differs from what is defined as a “state”, as this term refers to the apparatus used to govern the nation. Subsequently the term “nation state” defines a nation that is seen to have a legitimate, or at least functioning, governing apparatus.

The issues of commonality and nationhood are relevant to the nation building operation in East Timor because of the apparent inability of the UN operation to adequately address the underlying ethnic tensions that plagued the East Timorese operation throughout its mandate, and through to the crisis of 2006. The Timorese people are made up of different tribal ethnicities and dialects, all of which provided obstacles for the UN operation that was attempting to bring about an East Timorese nation; something that while being greatly desired by the Timorese, was alien to their traditional tribal society.

As Anderson argues above, a traditional requirement for nationhood is that there is a sense of commonality among its citizens. This common identity can come from cultural ties, similar language, or with greatest relevance to East Timor, ethnicity. Walker Connor (1994, *cited in* Brock, 2001, pp.1-2) argued this point specifically when he asserted that “theories of ‘nation building’ have tended to ignore the question of ethnic diversity or to treat the matter of ethnic identity superficially as merely one of a number of minor impediments to effective state-integration”. In essence, although ethnicity is an integral component when forming a nation, traditionally nation building operations have failed to

place any significant emphasis on addressing issues of ethnic tension (Connor *cited in* Brock, 2001, pp.1-2).

Such issues will be addressed in greater detail in the following chapters. It is important to emphasise here, however, that even the term nation building has caused some controversy among the academic community. The use of the term “state building” is also commonly found among the relevant literature, and can cause confusion in this instance, as it is often interchanged with the term “nation building”. Critics of nation building argue that external forces can never effectively build nations. However, Fukuyama argues that rebuilding the institutions of the state is integral to any endeavour to reform or stabilise a nation. Therefore, state building can serve as a precursor to nation building, which in turn serves as a predecessor to the formation of nationhood (Fukuyama, 2004, p.1).

Both Dobbins and Fukuyama argue in addition to this that “state building” as a stand-alone term lacks the ability to encompass many of the functions carried out during such interventions such as stabilising the populace, securing the roles of the military and police, economic development, and therefore the term nation building is more appropriate (Dobbins, 2004, p.2; Fukuyama, 2006, p.3). Whether the term “nation building” is any more appropriate than “state building” remains unresolved. However, it is true that nation building is a distinctly American term and, as Fukuyama (2005, p.134) attests in his own work ironically titled “State Building”, it is drawn from the experiences of the United States where political and social institutions of the state were major factors in the creation

of the American nation. Indeed, as asserted above, traditionally nation building has done little to address issues of ethnic diversity, both as a symptom of state failure, and as an underlying cause (Brock, 2001, pp.8-13). Despite arguments about its inaccuracy, nation building is now the term found in most common use. Consequently it is used as such in this thesis.

Nation building, therefore, essentially describes an intervention by an external power into the affairs of a sovereign state, in order to stabilise that state's situation, initially to suppress any civil unrest or conflict, and subsequently to rebuild institutions that may have failed or been disrupted (Fukuyama, 2005, pp. 133-135). It differs from a simple occupation in that the intervening force intends to hand back sovereignty to the indigenous population at the earliest possible juncture, and the "client state" of such an intervention is a weak or failing state that has been deemed unable to govern or fulfil the basic needs of its population (Ottoway, 2004, p.22)⁸. A common misconception is that nation building requires the approval of the nation state's government and/or leading political groups; however, this is not actually the case. Many nation building operations take place against the wishes of that state's population and often this hostility is simply an extra obstacle that the intervening forces must overcome (Dobbins, 2005, p.5).

While the academic world has largely come to a consensus on the traditional forces behind nation building, what constitutes nation building in its modern form is still widely debated. There is agreement on the overall goals of the nation building process; however,

⁸ Whether this inability actually exists or is to an extent propagated by outside forces, including the intervening states, can be somewhat contentious.

the actual phases and components that are designed to achieve these goals are still the subjects of dispute. Francis Fukuyama, who has concentrated his study on the American-led interventions of the late 20th and early 21st Century, was originally a major proponent for nation building operations in Iraq and Afghanistan. Fukuyama has become increasingly critical of the manner in which the USA and its global partners have undertaken these interventions (Fukuyama, 2006, pp.231-233).

Fukuyama has put forward a different view to Dobbins on how nation building interventions are to be undertaken, though the core tenets of the theory of stabilising, rebuilding institutions that will culminate in a final withdrawal are agreed upon by Dobbins, Fukuyama and the international and academic community⁹. Differences of opinion have to date arisen on where and how these criteria should be applied. Many nation building operations have stalled because they have failed in one phase of the intervention, and this has prevented the operation from achieving a sustainable success and final withdrawal, compelling the intervening forces to remain deployed indefinitely (Knaus & Martin, 2003, pp. 60-65). The chapter will now outline the key components that formulate "nation building", and examine why both the academic and political fields have failed to adequately define a sustainable theory, let alone implement it.

Nation building as a term has been around for the better part of six decades. It grew out of the reconstruction and development efforts of the late 1940s and 1950s as the world slowly began its recovery from the Second World War. Much of Europe and Asia had

⁹ See Dobbins' RAND reports, Fukuyama's "Nation Building" (2006) and "State building" (2005), as well as transcript from "A Brookings Briefing: US and UN Roles in Nation Building: A Comparative Analysis, for further details and discussion.

been devastated by the conflict and the task of rebuilding institutions and providing aid and resources was the most popular and effective response to the situation that the international community faced during this period (Sutton, 2006, pp.42-61).

From this heyday of reconstruction and development operations in the 1940s and 1950s through to the nation building interventions that have taken place and are underway in the 21st Century, a stable, yet sometimes ambiguous idea of nation building has evolved (Fukuyama, 2006, pp.1-6). Such divergences between academics can be seen, for example, in that Cynthia A. Watson argues that the first phase of any nation building intervention is confined to the task of stabilising the state and ensuring the cessation of violence against the indigenous population (2004, p.10). The second phase, according to Watson, encompasses the provision of humanitarian aid, the reconstruction and development of state institutions, and the rebuilding of civil infrastructure (Watson, 2004, pp. 10-11).

Fukuyama, however, asserts that many of the initial reconstruction efforts fall into the first phase of the intervention. Humanitarian assistance, disaster relief, and attempting to restart a country's economy are all processes that directly contribute to the stability of the states in question (Fukuyama, 2004, p.2). Again still, Marvin Wienbaum (2004, p.2) places greater emphasis on ensuring that the economy of the client state is quickly restarted and given sufficient external support, as this is vital to ensuring that funds are available to reconstruct state institutions and maintain them once external funding has abated. Wienbaum (2004, p.2) also argues that this push towards a reinvigorated

economy will also “spur demands for the rule of law and security, and (strengthen) civil society”.

Despite these differences of opinion, the underlying argument that runs through any significant variant of nation building theory is that the two main aims of any nation building intervention are to stabilise the state and then rebuild its institutions, whether they be political, economic or social. Since the 1990s, nation building theory has again gone through a metamorphosis. In the last two decades emphasis has been placed on the final goal of any intervention to be the establishment of a democratic government that governs a self-sufficient society (Dobbins, 2003, p.13). The USA has been the major catalyst in attempting to impose its own liberal democratic values through nation building interventions (Dobbins, 2003, pp.11-14). However, in the circumstance of East Timor, it is apparent that the UN and the international community also aimed to quickly and decisively create a functional democracy within the state of East Timor (McMahon, 2006, p. 1).

Such a task seems both achievable and desirable. However, the record of the international community in achieving such goals has been mixed. Interventions in Somalia, Haiti and the Balkans during the 1990s all suffered from chronic deficiencies in planning and resources, which often resulted in the intervention stagnating, and in cases such as Somalia, resulting in terminal failure (Dobbins, 2004, p.85). Indeed prior to the apparent successes of operations in East Timor, Eastern Slovenia, and Bosnia at the turn of the

millennium, many in the international community were increasingly pessimistic of the ability of such interventions to achieve state reconstruction (Flournoy, 2006, pp.86-88).

Nation building was seen as expensive both in manpower and resources. While the UN and its staff were willing to undertake such enterprises, the organisation's member states were disinclined to provide such operations with adequate resources (Rice, 2005, p.14). In the event that an intervention actually received adequate resources, these often arrived too late or could not reach the areas in which they were required with any reliability (Ekbladh, 2006, pp.34-36). By this period, leading from the late 1990s to early 2001, the only other significant undertaker of such interventions was the USA who, having been stung by Somalia and Haiti, now regarded nation building operations as situations to enter into warily, if not to be completely avoided (Dobbins, 2003, p.89).

Despite the unwillingness and/or inability of the international community to engage in nation building interventions, such crises in weak and failing states continued to arise throughout the late 1990s (Dobbins, 2004; Fukuyama, 2006, pp. 1-3; Rotberg, 2004, pp.2-3). The international community was finally drawn into the long-standing conflict and crisis in Bosnia and Herzegovina. This intervention can be highlighted as an important predecessor to the operation in East Timor, as a form of nation building bureaucracy known as a Transitional Administration that was later used in East Timor was first implemented in Bosnia. Subsequently, UNTAET attempted to avoid many of the failures of the Bosnian intervention (Knaus & Martin, 2003, pp.60-63; Chopra, 2002, pp. 981-983).

This new form of intervention involved the intervening forces taking complete control of the client state in almost every aspect. In the instances of Bosnia and Herzegovina, and Timor this external force was the UN, whose administration within the state essentially became the sovereign representatives of that nation (Knaus & Martin, 2003, p 62). As Jaret Chopra (2002, p.981) argues, such attainment of universal authority by the UN administrators essentially created "state building through UN statehood". Proponents of this form of nation building argue that the local populations, for reasons such as corruption or lack of expertise, were unable to adequately govern their own affairs within the intervention (Goldstone, 2004, p.84).

The solution to this lack of expertise was to give the intervening personnel authority to act as representatives of the client state and therefore operate as would an elected government in normal circumstances. Behind this development was the idea that such an administration would be able to quickly and effectively provide the population of the state the basic necessities they required, and also begin to reconstruct the nation's institutions without the obstacles of local corruption, inexperience or ethnic tensions (Goldstone, 2004, pp.83-87) . However, while such authority allows the external administrators to go about their roles in attempting to reconstruct the failed state, the issue of checks and balances on such power arises. As Knaus & Martin argue in their essay "Travails of the European Raj" (2003, p. 61-64), when such power is invested in an outside authority, questions must be raised over accountability and corruption within the external nation building apparatus.

In the case of East Timor, observers and several former administrators have been increasingly critical of the wide-ranging powers allotted to the transitional administrator during the first crucial months of the occupation (Chopra, 2002, pp. 984-987; Philpott, 2006, p. 146; Steele, 2002, p.80). While this issue will be examined later in the thesis, it does provide an opportunity to assess other shortcomings that arise when nation building enterprises are undertaken. Some of these issues were touched on above, such as lack of resources and manpower, but there are also other obstacles that nation building interventions must face, including legitimacy, hostility of the indigenous population and insufficient organisation (Goldstone, 2004, pp. 83-88).

An almost universal issue with nation building operations since the 1990s has been the failure to provide sufficient resources and/or manpower to the operation. Apart from early operations in Germany and Japan, nation building operations have mostly failed in their goals because of the inability to provide sufficient logistical support (Dobbins, 2003; Dobbins, 2004; Ottaway, 2004; Fukuyama, 2006, pp.1-12). The reasons behind such failures are often quite obvious. In the case of operations undertaken by the United Nations, the inability of UN administrators to secure the full support of a necessary number of member nations, especially in areas such as troop deployment and police detachments can often undermine an operation before it has begun. Subsequently, the lack of military power results in instability within the state, as the nation building forces find they are unable to adequately control and disarm the local population, and this

instability prevents the steady supply of other resources such as humanitarian aid and equipment (Dobbins, 2003; Dobbins, 2004).

In contrast, the other major undertaker of nation building operations, the USA, often faces issues of a different nature. Traditionally the USA has been able to deploy sufficient military and police forces to a region, but has been unable to provide the civil reconstruction and assistance that the local population requires (Dobbins, 2003, pp. 162-164). Conflicts arising from separate chains of command for the civil and military wings of the USA nation building apparatus have often prevented the USA from adequately providing the operation with the resources and manpower it requires to effectively reconstruct its institutions. These separate chains of command also tend to develop disconnected and often conflicting contingency plans, and this has contributed to the stagnation of such nation building operations (Berger & Scowcroft, 2005, p.3; Cabe, 2005, pp.1-5; Dobbins, 2004).

The final, but perhaps most important, issue when examining the relative challenges of nation building interventions is the inability of such operations to succeed in their mandates and accomplish a withdrawal, leaving behind a sustainable and independent nation state. The most enduring nation building successes of post-war Germany and Japan required the deployment of significant resources and troops for a sustained period of several years, even after the interventions were deemed to have succeeded in their mandates (Dobbins, 2003, pp.22, 32-33). However, recent nation building operations have been characterised by the anxiousness of the intervening forces to withdraw in the

shortest possible time period, or a reluctance to provide adequate resources to the intervention. This reluctance to employ the necessary components for such interventions suggests a lack of understanding by contemporary nation builders of the long term demands of nation building enterprises.

This lack of understanding is reflected in the literature on nation building, even amongst the fields' elite such as James Dobbins and his team at RAND, and Francis Fukuyama, which fail to adequately outline any effective withdrawal strategies for potential nation building operations. Indeed, both the RAND team and Fukuyama, while asserting that withdrawing from a nation building intervention can be a long and difficult process, imply that if the initial phases of stabilisation, and reconstruction and development of institutions are successful that a withdrawal is more of an end result than an actual part of the operation¹⁰. Most nation building strategies acknowledge that the interventions will take significant time periods to complete, but at the same time seek to reduce these time periods at every opportunity.

At the present moment, the inability to withdraw from interventions in Bosnia, Iraq, and Afghanistan, as well as the redeployment of troops to East Timor and regions of Africa highlight the deficiencies that exist in both the initial phases of nation building, as well as in staging a final withdrawal. This inability is caused by both traditional issues such as lack of resources and personnel and continued civil unrest, as well as the widespread misconception that has developed over time that a withdrawal is a final result of an

¹⁰ In his "Nation Building 101 (2004)", Fukuyama does briefly describe this withdrawal as a final component of the overall reconstruction phase. However, he does little to expand upon this.

intervention rather than an integral phase of it. While limited in scope and size, the thesis will devote a chapter to this final nation building phase, not only because of its overall significance to a variety of operations over the last two decades, but also because it serves as an integral factor in understanding why nation building failed in East Timor after the final withdrawal of UN forces in 2005.

This chapter has provided an understanding of what nation building consists of, and how the theory has developed through its implementation in the various operations that have been undertaken since the end of the Second World War. The chapter has also highlighted the general issues that arise when attempting to undertake a nation building operation in any situation, and how these issues can prevent the success of an intervention. It is especially important to note in the context of East Timor that nation building as a theory has changed shape considerably in the last decade, and today there is a very real emphasis on political reconstruction (read democratic institutions) over the traditional social and economic rebuilding, but at the same time the familiar challenges of nation building are also apparent.

The problems discussed in the wider literature of nationalism and defining a nation, and especially in the context of the pressures of ethnic diversity, add to the complexities facing the UN nation building exercise in Timor. It will be argued subsequently that the nation building operation in East Timor has avoided many of these pitfalls, but has inevitably suffered from its own deficiencies in addition to repeating several failures that have become typical of such interventions. Finally the chapter has attempted to provide a

brief overview of the form of nation building used in the East Timor intervention, that of the transitional administration. This is particularly pertinent in relation to the following chapter, as the thesis will now turn to institutions of nation building that were implemented in East Timor, and additionally whether this transitional administration was effective.

CHAPTER 2

THE REFERENDUM, THE VIOLENCE, AND THE INITIAL FORMATION OF THE TIMORESE OPERATION (MAY 1999-MARCH 2000)

The referendum is often overlooked when examining the East Timor intervention; it is seen more as a precursor or cause of the violence that would follow, rather than being connected to the overall UNTAET operation. However, the potential for the violent events that followed the referendum was foreseen before the vote, and the failure of the international community to respond was a large factor in why the conflict was so widespread, and also became a driving force behind efforts to resurrect Timor in the following months. This chapter will examine both the lead-up to, and the conduct of, the referendum, as well as the early formation of INTERFET and UNTAET.¹¹

The UN had originally foreseen a peaceful and orderly transition from Indonesian rule to Timorese independence after the referendum of 1999 (UN Security Council, 1999, pp.1-2). Popular consultation was widely seen as being both a desirable and achievable objective of the United Nations Mission in East Timor (UNAMET), a process which

¹¹ The roles of the regional powers such as Australia, Malaysia and Thailand, as well as Timor's former colonial master in Portugal, will be examined in passing, as they all played a part in the nation building operation. However the limitations of this thesis do not allow for any significant examination of their individual roles. The role of Indonesia will also be noted in the context of its transition from occupier to sovereign neighbour.

would seek to maximise Timorese involvement in the decision making procedures during the intervention (Chopra, 2002, p. 983). It was optimistically assumed that the Indonesians would make good on their undertakings to carry out a swift and orderly withdrawal from Timorese territory and, under such protection, the UN officials could commence with the early programs designed to stabilise the fledgling state's economy and infrastructures (Gorjão, 2002, p. 315; Martin & Mayer-Reickh, 2005, p.127).

As early as July 1999, however, it became apparent that the Indonesians were failing to provide the mission with the "basic security guarantees that they had committed to", and although the vote was pushed back to the end of August, there was little improvement in the stability of the region, and sporadic violence continued (Chopra, 2002, p.983)¹². The UN had attempted to forge an agreement between the Indonesians and the major Timorese resistance group Falintil, to the effect that both sides would agree to practise restraint leading up to the referendum. However, the Indonesians continued to evade clear commitment on such security issues (Chopra, 2002, p.983; Martin & Mayer-Reickh, 2005, p.127).

The inability to hold the Indonesians to an agreement caused great concern among UN officials, especially UN Secretary-General Kofi Annan who argued that there was great anxiety over the fact that none of the parties involved were ever able to discern that the "necessary security situation" existed that would allow the "peaceful implementation of

¹² The final election date of August 30th was not the original date. The elections, originally set for the 8th August, were postponed because of violence that had occurred after the initial agreement on the ballot during May and the inability of UNAMET to deploy within the time specified.

the consultation process” to go ahead (Martin & Mayer-Reickh, 2005, p.127). Essentially the UN officials on the ground were forced to drive ahead towards the referendum, without having secured any significant concession that the safety of themselves and the Timorese would be maintained.

The abject failure of the Indonesian forces to maintain order after the vote, and in many cases their collusion with the militias terrorising large tracts of Timorese territory, resulted in the widespread destruction of the majority of Timor’s infrastructure. A significant portion of the Timorese population was forced to flee to Indonesian controlled West Timor or into remote regional areas within East Timor to flee the violence, although this did not prevent the murder and assault of thousands of Timorese. The UN was forced to quickly modify its strategy from a post-referendum taskforce with a responsibility to oversee an orderly transition to Timorese independence, to an overarching nation building intervention that would consist initially of a substantial peacekeeping force that would stabilise Timor so that a large scale reconstruction operation could begin.

Despite the failure of the UN mission to secure a stable post-referendum period, the achievements of the INTERFET forces after their deployment in September 1999 were substantial. The international force was brought together with remarkable efficiency, representing a significant break from preceding interventions that had been marred by delays and disputes over deployments (Candio & Bleiker, 2001, p.69). Despite several incidents through to January 2000, within a few short months of their initial deployment, the INTERFET forces had achieved a state of stability in all Timorese districts and had

essentially assumed “de facto responsibility for governance and rule of law until the UN’s presence had been effectively established” (Smith & Dee, 2003, p.46)¹³.

One of the major reasons for this success was that the INTERFET commanders had endeavoured to provide the force with stronger and more wide-ranging rules of engagement than in previous interventions, allowing troops to engage against possible threats at the first sign of hostile intent (Gorjão, 2001, p.315; Steele, 2002, p.78).

INTERFET was also successful in protecting the remaining UNAMET resources in Timor that had escaped destruction by the militias, and these provided the incoming UN staff with often vital information and equipment in an environment that was otherwise totally devoid of such supplies (Martin & Reickh, p.112).

Once stability was achieved the INTERFET forces began to assist the intervention in a policing role, as well as attempting to recreate a legal system from the vacuum that had been left by the violence (International Policy Institute, 2003). Because of this vacuum, the INTERFET forces were forced to rely upon Indonesian law, as this was the only system with which most Timorese were familiar. INTERFET modified the Indonesian law where necessary so that it was consistent with Geneva conventions, and this became an early success (UNTAET, 1999). The subsequent handover of policing responsibilities to the UNTAET contingent was less successful, as the civil administration was constrained by its cumbersome bureaucracy. However, the progress made by INTERFET during the early months of the intervention meant that stability was maintained, and some level of judicial process took place (Smith, & Dee, 2003, p.83).

¹³ For details of these security incidents see U.N. document S/2000/53.

With the success of the INTERFET forces in stabilising the security situation in Timor, the UN administration was able to proceed with the implementation of the now substantially larger post-referendum operation. Such an operation would need to retain the mandate of the UNAMET operation, while at the same time address the widespread destruction of much of Timor which had resulted in increasing threats of a humanitarian crisis (Gorjão, 2002, p. 314). Subsequently, the UN Security Council approved the formation of the United Nations Transitional Administration to East Timor (UNTAET). The scope of UNTAET's responsibilities was without precedent. For the first time the UN had taken "sovereign control" of a territory, effectively creating a "UN governorship within a sovereign territory" (Gorjão, 2002, p. 314).

The push for the administration to have such wide-ranging powers had come largely from those who had been involved in the UN Mission in Kosovo (UNMIK), where the lack of UN authority had made it impossible for the operation's objectives to be achieved, although there had been calls for such omnipotent interventions since the end of the Cold War (Betts, 1994, pp. 20-21; Gorjão, 2002, p. 314). Simon Chesterman (2001, p.9) has argued that this incremental improvement in UN nation building is symptomatic of the deficiencies in the organisation's approach to its mission. In effect the administration is always one operation behind the current intervention. In Chesterman's words, therefore, "Kosovo got the operation that should have been planned for Bosnia, and East Timor got that which should have been sent to Kosovo (2001, p.9).

Such an assertion also allows the emphasis of a relevant point, that many of the UN administrators from Kosovo were heavily involved in senior positions in the UNTAET operation. Sérgio Vieira de Mello, the Special Representative of the UN Secretary-General and Transitional Administrator of UNTAET, had held the same position as head of the Kosovo mission. Essentially the core staff of UNMIK had been surgically transplanted in the Timorese mission, without any significant knowledge of Timor or its local and specific issues (Suhrke, 2001, p.7). Both Chesterman and Suhrke argue that this is typical of a UN operation, where the administration staff members are largely recruited for their previous administrative and academic expertise, and little regard is given to their ability to adapt to local issues (Chesterman, 2001, p.9; Gorjão, 2001, p.317; Suhrke, 2001, p. 2).

This lack of local experience can be seen as a main factor in determining why the administration failed to quickly establish itself and set about achieving its mission. While the arrival of the Australian-led INTERFET forces quickly overcame any substantial resistance from the pro-Indonesia militias, UNTAET was perceived as making only slow progress (Gorjão, 2001, p.317). This caused significant consternation among the Timorese. With stability achieved they swiftly turned their attention to “demands for political and economic development in preparation for independence” (Chesterman *cited in* Gorjão, 2001, p.317).

Of course, in light of the massive destruction to infrastructure and the withdrawal of an Indonesian bureaucracy that had prevented any significant local participation in the

administration of pre-independence Timor, there are significant arguments that can be made in defence of UNTAET's initial slow performance (Chesterman, 2002, p. 60; Philpott, 2006, P.143). However, the UNTAET staff immediately went on the defensive, arguing that the lack of experience and education among the local population was a major reason that early progress had been slow, and further justified the need for the international make up of UNTAET staffing, which was now developing into a significant bureaucracy (Fox, 2001, p.6).

It is ironic that UNTAET argued that a lack of expertise pervaded the early progress of the operation, as in several key areas it was lack of expertise and local knowledge from the international staff that caused serious problems. A widespread issue among the international staff was the lack of language skills, particularly Indonesian, which could be used to communicate with the local Timorese (Fox, 2001, p.6). The only Timorese who the UNTAET administrators had any success in communicating with were the exiles who had returned from years in Diaspora, and it was therefore these individuals, some who had been absent for upwards of two decades, who were "relied upon for an understanding of local conditions" (Candio & Bleiker, 2001, p.73; Fox, 2001, p.6)

In addition to this, in areas where local knowledge actually exceeded that of the international supervisors, especially in agriculture, little was done to identify this expertise and put it to good use (Fox, 2001, p.6). It often took UN administrators lengthy periods of time to make their way out into the rural areas of Timor, despite the importance of these regions to any attempt to jumpstart the economy (Chopra, 2002,

p.985). These early failures of UNTAET meant that the transitional administration missed a unique opportunity to showcase to the East Timorese that it was a viable operation.

It was not until late into 2000 that the UNTAET administrators finally admitted that the current form of the operation was incompatible with the need to involve the Timorese in the rebuilding of the country (Gorjão, 2001, p.319). UNTAET head Sérgio de Mello, approved a new governmental structure, a 33 member national council that would include members from a wide spectrum of Timorese society, including church and student groups. This Council would also have cabinet positions, consisting of four Timorese and four UNTAET staff members. De Mello would retain the overarching position as chair of the cabinet, thus still fulfilling the requirements of the UN mandate. The Timorese now felt that they were no longer bystanders in the restoration of their territory, and could work with the UN to begin an effective program of rebuilding Timor's institutions. Whether such participation and institution building was realised will be addressed in Chapter 4 (Ramos Horta, 2000, *cited in* Gorjão, 2001, p.320).

Complimenting the UNTAET operation were teams from throughout the international community, dominated by the major regional players in Australia and Malaysia, and Timor's old colonial master Portugal. Portugal has played a unique role in the history of East Timor, evolving from its 500 years as a sometimes brutal colonial master, to its current status as a close ally of the small island nation (Ramos-Horta, 2005, p.5). It was Portugal alone which decried the Indonesian invasion of 1975 and its subsequent

occupation, and it was Portugal, in which many of Timor's current leaders found haven, having fled the persecution of the Indonesian occupiers (Gorjão, 2001, pp. 102-107).

Portugal had also played an important role during the lead up to the 1999 referendum, continually lobbying the Indonesian Government, the UN, and other regional states to address the issue of Timor, and put pressure on the Habibie administration. The Portuguese continued this Timorese representation at the May 5 Agreements and throughout the months that followed before August 1999. They continued to play a leading role in the reconstruction process during the subsequent UNTAET intervention, and also provided troops to the INTERFET forces stationed in Timor.

Australia initially consented and recognised the Indonesian occupation of East Timor in 1975¹⁴, but by 1999 had joined the international community in pressing Indonesia to allow the Timorese a vote on their independence. Australian Prime Minister John Howard played an integral and personal role in convincing Indonesian President Habibie to carry forward with the referendum (Ghoniem, 2003, p. 18). When violence broke out after the publication of election results, Howard, along with UN Secretary-General Kofi Annan, lead the international community in pressuring Indonesia to allow an external peacekeeping force (Martin and Reickh, 2005, p.131).

¹⁴ This appeasement was typical of Australian foreign policy during this period, where Australian Government's, regardless of partisan ambitions, mirrored US policy when dealing with foreign affairs in the Asia and Pacific region. The USA not only did not object to the Indonesian invasion of East Timor, US President Ford and Secretary of State Kissinger had been in Indonesia two days prior to the commencement of the occupation. They are alleged to have verbally consented, Kissinger stating "the United States understands the Indonesian position" on East Timor (Jardine, 1994).

Both Australia and Portugal played major roles in the peacekeeping forces that were deployed in East Timor after the outbreak of violence in 1999, and also played a role in providing aid during UNTAET's three year intervention (UN General Assembly, 1999). Australia also took leadership of the INTERFET mission, at one stage deploying 4,500 troops to the region, with INTERFET also headed by Australian Major-General Peter Cosgrove. However, such an intervention would not have taken place without the support of other regional states, such as a deployment of 1,500 troops from Thailand, or the subsequent assumption of leadership of the UN peacekeeping force by Lieutenant-General Jaime de los Santos of the Philippines (Cotton, 2001, pp.131-132).

In addition to these military deployments, a contingent of international police had been deployed by 2001 from several regional states such as Bangladesh, China, Malaysia, Nepal, New Zealand, Singapore, Sri Lanka and Thailand. This was a major step for many of these Asian nations, who were forced to go against their traditional foreign policies of non-intervention that had been agreed upon at Association of Southeast Asian Nations (ASEAN) forums. But in breaking away from tradition they also put increasing pressure on the Indonesian Government to accede to UN control of Timor after the initial violence of 1999 (Cotton, 2001, pp. 130-132)¹⁵. Consequently, with the initial leadership of Australia, and the increasing cooperation of regional states, UNTAET was well resourced and enjoyed unprecedented legitimacy, not least because a relenting Indonesia had also approved the role that UNTAET was to play in the reconstruction of East Timor.

¹⁵ See "Treaty of Amity and Cooperation in Southeast Asia" at ASEAN website for further details of this non-interference policy.

This chapter has included a brief insight into the background of the Timorese referendum and the makeup of the subsequent nation building intervention in East Timor. It has examined how the UN mission within Timor in 1999 was unable to secure a stable environment both before and after the referendum, resulting in significant violence and destruction as pro-integration militias rampaged through the Timorese countryside. However, it has also found that the INTERFET deployment in late 1999 was highly successful in re-establishing a stable security environment within Timor. The often substantial involvement of many of Southeast Asia's regional states, alongside that of Australia and Portugal were also important in both ensuring the INTERFET force was of sufficient size, and in convincing the Indonesian government to accede to the force's presence in Timor.

The structure of UNTAET, as a foreign entity acting as a legitimate sovereign government to the East Timorese, meant that it faced a series of new challenges in addition to traditional problems that face such operations. Never before had the UN taken so much responsibility upon itself, and this meant that there was little precedent to assist the transitional administrators when such challenges arose. While early challenges arose for UNTAET over questions of legitimacy and jurisdiction, such problems became systematic during the institution building phase as the intervention began to follow conflicting goals of both serving as a sovereign government at the same time as working towards a swift and major withdrawal. Such a paradoxical approach essentially brought the reconstruction of Timor to a halt, as will be examined in the following chapter.

CHAPTER 3:
THE SUCCESSES AND SHORTCOMINGS OF INSTITUTION BUILDING
IN EAST TIMOR

The success or failure of a nation building operation lies in its ability to create or rebuild the institutions of the client state (Fukuyama, 2004, p. 2). While stability can be achieved and maintained by the deployment of an overwhelming military force, the sign of a successful nation building operation is that strong institutions and competent governance can maintain this stability once such forces withdrew. An example of such a failure of institution building are the long term military and policing deployments that have been underway for much of the last decade with the Balkans region (Chesterman, 2001, pp. 1-10).

The reconstruction of institutions requires the intervening forces to initially take at least partial control of the client state's governing bodies, but only as long as these bodies still exist in some form. On occasion, as in the case of East Timor, these governing bodies and institutions have been destroyed or were never in place, and in these cases the intervening forces are required to build such foundations from the ground up. This is no easy task, of course, and the majority of the operational resources once stability is achieved need to be directed towards such reconstruction.

However, it has become a feature of recent nation building operations to ensure that such institutions are rebuilt with the ideals of democratic governance and the participation of

the population they have been created to serve (Ottaway & Carothers, et al, 2002, pp.1-8). Of course, it is natural for the external nation builders, when attempting to rebuild the client states institutions, to mirror their own values and ideals. In recent cases where the nation building interventions have largely been driven by the UN, USA and European Union, the final goal of any state building exercise has been to create institutions that adhere to the democratic ideals (Pei & Kaspar, 2003, pp.1-8).

Of course such emphasis on democratisation as a long term goal had little influence on the initial period of the UNTAET intervention, which was continually criticized for its failure to adequately allow for local Timorese participation (Chopra, 2002, pp.991-995). In late 2000 UNTAET responded to such criticism, which had been echoed among the Timorese, by reorganizing the administration and its departments, arguing that this would allow for greater participation for the Timorese (UNTAET, 2001, pp.1-2). The original National Consultative Council (NCC) that had been appointed (not elected) shortly after the arrival of the UNTAET staff had been tasked with a variety of responsibilities, including re-establishing a judiciary, setting an official currency, creating border controls and creating a viable taxation system (Steele, 2002, p.80). However, while the council had consisted of 11 Timorese and only four UNTAET staff, the NCC felt that their suggestions were largely ignored by the UNTAET administration (Philpott, 2006, 146).

In response to continued protests, Transitional Administrator Vieira de Mello subsequently created a 33-member National Council to replace the NCC in 2000. This new National Council would include advocates from a variety of political, religious and youth groups, and the eight ministerial positions would be shared equally between the

Timorese and UNTAET staff (Smith, 2004, p.149; UNTAET, 2001). Yet, this revamp of the administration was designed not just to increase local participation, but also to ensure that the intervention was concluded within the proposed timeframe. From the beginning of the intervention the UN and its administrators had given the Timorese operation between three and four years to achieve its goals, and this was based on assessments of the budgets of major contributors and with “what the Security Council’s limited patience with nation building would bear” (Goldstone, 2004, p. 87).

The redesign of UNTAET’s structure was widely praised throughout the international community (Beauvais, 2001, pp. 1127-1130). Yet, while the initial structure of the original administration had been an obstacle; it now became apparent that the major roadblock for Timor’s reconstruction was the limited goals and reach of the intervention. The mandate outlines a series of objectives that UNTAET was given the responsibility of achieving, focussing specifically on the reconstruction of institutions and civil services designed to ensure Timor’s long term development¹⁶. However, by 2001 UNTAET had prioritised the holding of free and fair elections in Timor as the ultimate achievement of the intervention. This was in direct conflict with not only its mandate, as evidenced above, but also the wishes and ambitions of the Timorese people (Philpott, 2006, p.146). Regardless of these mandates it is argued, the transitional administration’s main goal was to essentially “work itself out of the job of governing” the client state in the shortest timeframe available (Beauvais, 2001, p. 1111).

¹⁶ See appendices for a copy of the mandate.

Both initially and in the years following the 2002 independence, there were calls for an extended intervention that would allow the Timorese to rebuild under the long term guidance of a UN operation (Donnan, 2006). This conflicted with both the UN roadmap to independence, as well as being incompatible with the donor nations' limited patience for such interventions. Even when the Timorese compromised to a timetable of five years, it soon became apparent that this was unacceptable to their UN counterparts, and the speed with which UNTAET progressed from a position of de facto sovereignty to an official end of mandate withdrawal in June of 2002 was unprecedented (Goldstone, 2004, pp.86-89; UNTAET, 2001, p.1).

UNTAET worked to bring about national elections in the shortest possible time period, rather than engaging in long term capacity building that would have required UNTAET involvement in Timor for the foreseeable future (Gorjão, 2002, p.316). While the international community lauded the UNTAET administrators for the quick transition from UN sovereignty to national elections and independence in 2002, some Timorese were of the opinion that this frenzied movement towards elections was more of a "cut and run" (Philpott, 2006, p. 149).

This focus on an election as a sign of a successful intervention was the product of several forces. Perhaps the most notable for the UNTAET administrators was the determination not to repeat past failures in Somalia, but also the inherent careerism and ambitions of the UN officials (Martin & Mayer-Rieckh, 2005, p.134; Philpott, 2006, p. 14). Simon Philpott (2006, p.146) argues that many of the UN staff in Timor were far more

concerned with advancing their own careers than engaging in serious nation building efforts. UN staffers would often serve only the required six month secondment before moving onto other missions and operations, meaning that there was little chance of sustained expertise in local Timorese issues, and that local officials and the population were forced to deal with UN staffers that were inexperienced and unable to provide effective assistance in vital areas of the operation. Regardless of the accuracy of these claims, the turnover of U.N staff remained high (Philpott, 2006, p. 146).

Of course, this is not to say that UNTAET achieved nothing but bringing about elections in East Timor. Institution building in Timor did take place, and by the time of the withdrawal significant progress had been made. The Timorese capital of Dili benefited significantly from the intervention, with simple living necessities such as power and fresh water having been almost completely restored. As well as this other programs to rebuild educational and healthcare institutions within the capital achieved successes, along with the reconstruction of docks and airports to internationally accepted levels of functionality (UNTAET, 2002, pp. 7-8).

International organisations such as the World Bank were integrated at unprecedented levels within the intervention, allowing easy access to funding for humanitarian and reconstruction missions (Chopra, 2002, p.985). The World Bank took control of funds provided by various donor countries and organisations, siphoning them into special accounts to be used by the transitional administration for various projects within Timor, and this allowed initial capacity and institution building to take place in situations where

immediate responses were required (Candio & Bleiker, 2001, p.71; UNTAET, 2001, pp.3-4). As late as 2005, the World Bank was still contributing ten to fifteen million dollars per financial year to the annual budget of the Timorese government (UNMISSET, 2005, pp. 9-10).

UNTAET also made progress in several other areas. It provided a means for the repatriation of refugees from West Timor, who numbered almost one third of the population. It created an environment where the initial foundations for political governance could be undertaken, though mostly at a central level (Steele, 2002, p.86). Both UNTAET and Timorese leaders were able to resolve tensions with Indonesia, allowing for direct communication between Timor and its former oppressor that led to further cooperation over border security (Goldstone, 2004, p.92). UNTAET also obtained nominal Indonesian assistance in prosecuting those responsible for the post-referendum violence, although this was of only limited value, as will be examined below (Philpott, 2006, p.147).

Despite these successes, the nation building operations in Timor had little penetration beyond the major urban areas in Dili and its suburbs. There was little infiltration into the rural areas, where almost 80 percent of the Timorese population lived. The majority of UNTAET staff were situated within the capital Dili, and subsequently this is where the majority of the reconstruction programs took place (Chopra, 2002, pp. 987-991).

This centralization was a long term characteristic of the UNTAET operation and eventuated for a variety of reasons. Fox (2003, p.11) argues that the “rigidity of the UN mechanism and decision-making process, had created a serious credibility crisis”, and asserts that as a result of this the “public tended to see (the UNTAET administration) as incompetent, and unreliable, yet expensive ‘international experts’”. Chopra (2002, pp.988-989) argues this point further still in that the UNTAET staff in Dili were engaged in a form of power struggle with both the isolated district administrators in the field, and the increasingly hostile Timorese, who felt that the UN officials were not performing sufficiently in their reconstructive roles.

Chopra and Fox’s claims are grave, arguing that the UNTAET administrators during the first months of the occupation were more concerned with power struggles within the transitional authority than with reconstructing the institutions of East Timor. This fits into the arguments put forward by other writers that UN officials were more concerned with their own career advancements than with the reconstruction programs, and also with the apparent eagerness of the UN and international community to bring about an end of mandate situation as quickly as possible. However, there is little opportunity to validate these claims, though they are widespread and made by respected academics and former UNTAET administrators.¹⁷ What can be evidenced, though, is that regardless of the reasons behind it, there was a failure by the transitional administration to engage in any substantial or productive programs beyond the capital and surrounding areas where UNTAET had its base of operations.

¹⁷ See Chopra, Goldstone, Philpott, Chesterman, Knaus, Martin for further reading,

Apart from this tendency towards centralisation, there were several other areas where UNTAET's institution building remained incomplete and the significance of these can be found through and examination of the series of UN Reports that were published by the operations in Timor. The reports are underlain by inconsistency: serious problems encountered with institution building sit alongside optimistic statements that the level of progress was satisfactory. An examination of the documents throughout this chapter will highlight these inconsistencies in detail, especially in areas of importance such as the police and army, civic governance, and the judiciary.

While there were initial breakthroughs in the reestablishment of rule of law and judicial progress during the early months of the intervention "UNTAET left the territory with few experienced and trained East Timorese judges, public defenders, and prosecutors" (Gorjão, 2002, p. 324). In addition to this, UNTAET was unable to provide the East Timorese with any satisfactory progress in the arrest and prosecution of those responsible for the post referendum violence, despite the fact that a court had been hastily arraigned with authority to prosecute such crimes (Gorjão, 2002, p.324). The court, known as the "Special Panel", mirrored the statute of the International Criminal Court, giving the Special Panel jurisdiction over any "genocide, war crimes, torture and crimes against humanity, and over murder and sexual offences committed between 1 January 1999 and 25 October 1999" (Linton, 2001, p.417).

However, the Special Panel was an ambitious project that like the regular Timorese judicial system, suffered from insufficient resources and personnel that crippled its ability

to pursue such a wide-ranging mandate. Also, permanent members of the Security Council who were in a position to pressure the Indonesian Government into greater cooperation with the Timorese in the pursuit of such criminals, refrained from doing so, which greatly reduced the effectiveness of such prosecutions (Philpott, 2006, p.147; Steele, 2002, p. 81).

The conclusion to this was that the majority of those responsible were never arrested or faced trial, while many who were detained were subsequently either convicted of lesser crimes or released, as the Timorese prosecutors were unable to meet the stringent guidelines, such as burden of proof, that were demanded in such cases (Linton, 2001, p.456). Controversy over the performance of the Special Panel continued through to the end of UNMISET's mandate in 2005, with UN Reports acknowledging the frustrations of many Timorese over the perceived inadequacy of the judicial system and the sustained indecision over its future (UNMISET, 2005, pp. 5-6).

In a region that produces only minimal produce available for export, UNTAET also faced the momentous task of creating an economic infrastructure that could sustain a stable Timorese nation. East Timor has little industrial capability, historically only coffee has provided any export value, and a majority of Timorese citizens rely on agriculture and subsistence farming for their livelihoods (East Timor's Economic Challenge, 2002). During the UNTAET intervention many Timorese became dependent on both the aid provided to them by the Transitional Administration, and the industry that had arisen

around the intervention where Timorese provided services to the intervention's foreign personnel (Scheiner, 2001).

Even during the final months before independence and the final UNTAET withdrawal the UN was characterising Timor as “one of the least developed nations in the region”, despite at the same time arguing that “good progress” had been made and that “sound management practices” had allowed for improvement in areas such as government revenue targets (UNTAET, 2002, p.7). As of 2006 East Timor remains a nation that is heavily reliant on foreign aid, described as “one of Asia's poorest countries”; one that “faces long-term development challenges” (Australian Department of Foreign Affairs and Trade: East Timor Country Brief, 2006). In this context it is evident that UNTAET withdrew from Timor without having completed the institution building that was required to ensure sustained economic stability, let alone viability. Indeed it is apparent from the heavy reliance on foreign aid that they were unable to ensure even short term stability that was not controlled from either the U.N or other international aid organisations.

UNTAET also struggled to address the issue of land and property rights that had erupted in the early months of the intervention. By the end of the Indonesian occupation “three sets of legal claims competed for recognition: Indonesian, Portuguese, and traditional ones”, many of which had been subject to “successive waves of dispossession and displacement” (Goldstone, 2004, p. 93). This was further exacerbated by the widespread destruction that took place after the 1999 referendum, where a majority of the housing was destroyed and over 90 percent of the population was displaced.

With the return of a majority of this displaced populace being a prime objective for UNTAET during the early months of the intervention, there was a surge in illegal occupations of the few dwellings that remained, causing the issue of property rights to become of major importance to the transitional administration (Country Strategy Paper: East Timor, 2001, p.17; Goldstone, 2004, p.93). However, the Transitional Administration was reluctant to become involved in an issue that had the potential to cause a public backlash against the intervention at a time when the nation building operation was still in its infancy, and “limited itself to temporary allocations of public and abandoned land” (Goldstone, 2004, p.94). Such allocations resolved the issue in the short term. However, it did little to address the issues of private ownership and in fact fostered the assumption that the latest round of land occupations could be viewed as legitimate.

Of particular relevance to the crisis of 2006 are the foundations of civic education and public service. The breakdown of governance in 2006 emphasised the fragility of such areas, yet an examination of reports that assess these areas presents contradictory conclusions. During 2001 a “comprehensive 10-year programme for governance and public sector development” was announced by the transitional administration, emphasising the long term commitment required to institution building in Timor, and yet it came less than a year before UNTAET’s withdrawal (UNTAET, 2002, p.3).

Another report in 2004 promotes the “significant progress” of several institutions, including the banking sector, in the process of removing the reliance on international experts, but then concedes that “overall, many State institutions continue to depend on international advisers to function effectively” (UNMISSET, 2004, p.5). Indeed, later in the report, the banking sector, highlighted earlier as an area of particular progress, is referred to as particularly weak and fragile (UNMISSET, 2004, p.14). This 2004 report also addresses the then pending withdrawal of UNMISSET in early 2005, emphasising the importance of a “coherent and effective exit strategy” to allow the final transfer of control of public institutions to the Timorese to take place, despite as stated above, effective governance was still heavily reliant on the assistance of the operation (UNMISSET, 2004, p.6).

Another major failing was the creation of the police and military forces. There was debate over the need and construction of the East Timor Defence Force (FTDL) from its very inception; many viewed it as simply a crude method of addressing the issue of the former resistance group Falintil, whose members were reluctant to demobilize (Martin & Mayer- Reickh, 2005, p.134). Indeed, it has been argued that the usefulness of the FDTL was limited at best; Indonesia and Australia, Timor’s two closest and largest neighbours are unlikely to invade, and if such an event did occur, the 3,500 strong military has little capacity for any formidable defence of Timorese territory (Thakur, 2006).

Concerns over the construction and development of the FDTL continued throughout UNTAET’s existence and beyond, it was not until 2004, that the military was capable of

taking any significant responsibility in securing stability throughout Timor. A 2003 report by UNMISSET highlighted that even this was a forced transfer brought about the continued withdrawal of international troop deployments (UNMISSET, 2003a, p.11). Perhaps the most obvious sign of the concerns shown over the viability of the FDTL can be found in a 2005 UNMISSET report, the last one before this mission's withdrawal, which was critical of a UN Security Council decision not to retain a small force of international troops within Timor (UNMISSET, 2005, pp. 8-9). That this force, only 144 strong, was thought to have the ability to be a strong deterrent of violence in Timor shows that the UNMISSET administrators had little faith in the ability of the 3,000 strong FDTL to maintain any effective form of stability within the country.

The creation and development of the East Timorese Police Force (PNTL) was also plagued by failures and training deficiencies that would affect its long term capability. Initial progress was slow, partly because UNTAET assigned little resources to developing this institution during the beginning of the operation (Martin & Meyer-Rieckh, 2005, p.135). Eventually, the development of the PNTL was made a priority within the UNTAET operation and recruitment began apace, however, concerns over the ability and training were raised. A 2001 mission report detailed the distribution of reference cards to police that contained guides to how an arrest should be carried out and the importance of ensuring that a suspect did not have their rights infringed upon (UNTAET, 2001, p.4). The fact that so basic a measure was promoted as a success by UNTAET reinforces such concerns of a divergence between the optimism that can be found in such mission reports, and the actual reality of life on the ground in East Timor, and raises the question of

whether an officer who was incapable of doing their job without such visual aids should be given such responsibility

Such concerns would continue to be raised after independence and through to 2006. A 2004 UNMISSET mission report promoted the fact that international police officers still retained an “in-service training and mentoring” role for local officers, at a time when UNMISSET’s final withdrawal was imminent, again raising concerns about the ability of the PNTL to maintain internal security once international forces withdrew (UNMISSET, 2004, p. 8). Astonishingly, such concerns are even outlined within this same report, which describes local officers as suffering from “a lack of professional knowledge and expertise” and a “lack of respect for discipline and human rights” (UNMISSET, 2004, p.9).

Perhaps the most concerning issue when examining the PNTL, is the extent to which the service became politicised. As of 2006 there has been criticism of the way in which the Fretilin government used the police force to offset the power of the FDTL, as the military was seen to have loyalties to President Gusmão (Philpott, 2006, p.151). This was most apparent in the creation of several “special” units such as counter-insurgency and riot police, that were so heavily armed as to be comparable to the military (Dodd, 2006; Philpott, 2006, pp.151-152). Such political connotations bring a sinister aspect to what a 2004 UNMISSET report described as the Timorese government’s inability to “define the roles of the PNTL and FDTL for internal security” (UNMISSET, 2004a, p.8).

The failures in institution building in these major instances are not isolated occurrences and can also be examined in the context of overall operations shortcomings. Joel Beavais (2001, p.1116) described the factors behind this failure as the UN's approach to "state building (being) driven by the need to maintain centralised control, minimize the short-term risk of failures, and maximise short term visible gains". This can be seen as an effort to ensure that the intervention did not become stagnate to the point where there was no viable exit strategy.

The result of this centralisation was that little aid reached the remote areas where it was most needed, and that much of the aid that was designated for rural areas never reached its destination, or was late in arriving. This centralising tendency, and the problems that resulted, were apparent from as early as January 2000, where of the total UN staff who had arrived to assist in the operation, 174 remained in the capital, while only 17 were dispersed between the 13 districts (Chopra, 2002, p.988). The UN was accused of saturating Dili with resources and staff, and the charge was that not only did this result in a lack of resources reaching regional Timor, but that it also created an unsustainable economy within the capital, built around a veritable financial system that had come to rely on the UN's massive spending for its existence (Smith & Dee, 2003, 64)¹⁸.

In late April 2000, local Timorese who were employed as UN staff in regional areas even went on strike to protest the discrepancy in resources and salary that were evident between mostly international staffers in Dili and those throughout the countryside

¹⁸ Also, see document A/55/443, published in October 2000, for staffing deployments. Pages 46-50 show levels of staffing and relevant redeployments from field services to other areas of UNTAET's administration.

(UNTAET, 2000). This was typical of the problems that the UNTAET intervention faced throughout the first two years of the nation building operation, where the expectations placed on the operations were not matched with identifiable results. Even in areas where the UN was making progress, there was an inability on UNTAET's behalf to communicate this to the Timorese public. Indeed, Michael G. Smith and Moreen Dee (2003, p.65) assert that the UNTAET Office of Communication and Public Information, the body responsible for keeping the population informed of the UN's progress, was itself poorly resourced and unable to provide regular publications.

This tendency towards centralization threatened to destabilise the operation not just in preventing resources from reaching the Timorese at a district level, but also by restricting their involvement at an administrative level (Gorjão, 2002, p. 320). Complaints were received from within the Timorese leadership, but also from within UNTAET and other international institutions with a presence in Timor. Instead of attempting to implement widespread training programs, any "skill-gaps" were filled by hiring increasing amounts of "international experts". In addition to this the Timorese were critical of the way in which the few who did serve as public officers were discriminated against by the international staff (Fox, 2003, p.9).

This atmosphere of discrimination allowed resentment to grow towards the UNTAET administration and staff, and this was not unwarranted. Concerns had been growing through 2000 and 2001 over the "widening social and economic gaps between those who worked and who did not work for the UN mission", and this was in addition to the

discontent over the massive economic disparity between the local Timorese and the international staff (Fox, 2003, p.11). As Chopra (2001, p.33) argued in his essay, titled “The UN’s “Kingdom of East Timor”, comparisons with “colonial administrations were unavoidable, and affirmed various forms of segregation between expatriates and the Timorese”.

While the redesign of the transitional administration during 2000 was supposed to have given the Timorese a greater chance to participate in the rebuilding of the country, the tendency towards centralisation of the UN staff and administrators, including Vieira de Mello, meant that their request were often ignored or suppressed (Fox, 2001, pp. 6-8; Gorjão, 2002, p.320). On top of this, UNTAET staff including Vieira de Mello continued with the rhetoric that it remained difficult to find East Timorese with the experience and expertise to be included in the Transitional Administration (Chopra, 2001, p. 33; Fox, 2001, p.12).

By December 2000, having served just months in their new positions, the Timorese members of the transitional cabinet threatened to resign if more authority was not given to them to direct the reconstruction progress (Gorjão, 2002, p.320). While this unrest did result in UNTAET making significant changes, it did little to improve relations with the Timorese leaders. By the end of 2000, calls to increase the pace towards Timorese independence were made, and the UN acceded to such demands, which would see a downsizing of the massive yearly expenditures that had existed since 1999 (UNTAET, 2001). It has been argued that the push towards independence in 2001, while

understandable from both the Timorese and UN points of view, was premature. Martin and Mayer-Rieckh (2005, p.136) describe that while the “elections...were well organised and took place without significant security related incidents...the constitutional process was rushed and political institutions were relatively weak at the time of independence”.

In retrospect the institution building process in East Timor was torn between competing agendas. Anthony Goldstone (2004, p.95) describes these conflicting roles as in one manner carrying out the “broad institution building objectives thrust upon it by the international community” versus the role of acting “the midwife to an incomplete state” on its road to independence. UNTAET was never going to achieve the mandate enforced upon it by the UN Security Council in 1999 and still meet an acceptable timetable for member countries and other donors, who were eager for a timely withdrawal.

It has been argued that the consequence of these conflicting directions was that UNTAET passed on to the Timorese citizens a nation building project that was incomplete. Through its tendency towards centralisation and its initial reluctance to involve the Timorese in its reconstruction projects, it left them without the expertise required to complete this project. Still, in the years between 2002 and before the breakdown in 2006, critics of the UN withdrawal were guardedly positive, even when emphasising the operation’s shortcomings¹⁹. UNTAET had left East Timor in a secure environment, with adequate funding for further reconstruction projects, and after the devastation of 1999 and the vacuum it left, the intervention was seen as a success (Goldstone, 2004, pp.95-86).

¹⁹ An examination of the articles used in this paper finds that a majority published before 2005 remainedd modestly optimistic for East Timor’s future potential, despite its many shortcomings.

The political crisis and civil unrest of 2006, of course, presents a different outcome, but it was the results of the parliamentary elections in 2001 and the presidential elections in 2002 that were of most significance to the situation that unfolded during this year.

Therefore the next chapter will examine these elections and the political manoeuvring that occurred before, during and after Timorese independence in 2002. It has been argued throughout this thesis that understanding the events surrounding the final withdrawal and return of sovereignty from UNTAET to the Timorese was integral to understanding the factors behind the crises that were to follow four years later.

CHAPTER 4:
UNTAET'S WITHDRAWAL AND THE RISING DOMINANCE OF THE
FRETILIN POLITICAL PARTY

The inclusion of the withdrawal phase of nation building as a separate chapter may initially seem unusual. It is true that it is addressed only seldomly when investigating nation building theory. Indeed, many take for granted that the conclusion of any successful nation building operation will see the return of administrative power to the indigenous population. The client state, who having had civil order restored, its institutions rebuilt, and having been schooled on the governmental responsibilities it must undertake, will now continue the process of rebuilding and developing their nation into that bastion of western ideals and the ultimate goal of any western led nation building operation; liberal democracy.

However, as has been argued throughout the thesis, when addressing the nation building operation in East Timor, the return of sovereignty is as important a phase of the reconstruction process as either of its two preceding phases. This is argued on the basis of three main points. First, previous nation building operations have shown that the return of sovereignty often becomes the most difficult phase of the nation building process, with the interventions in the Balkans being a prime historical example. Secondly, it was the frenzied push towards independence and withdrawal of the operation in East Timor that bares at least partial blame for the subsequent institutional failures and conflicts that have arisen in the four subsequent years. Finally, and in direct relation to the previous points,

is the issue of ethnicity within East Timor, and how the premature withdrawal of the UNTAET operation set in motion events that allowed underlying ethnic tensions within the country to come to the fore.

This final phase has received little attention because it is often seen more as a result of a successful operation than as a recognisable factor in measuring its effectiveness. In the last decade, however, it has become apparent in operations in Somalia, the Balkans, and subsequently in Afghanistan and Iraq, that a final withdrawal of intervening personnel and forces, from a situation that is agreeable to both the intervening force and client state is in fact difficult to achieve (Chesterman, 2002, p.45-48). Indeed, in several recent operations, circumstances where a favourable end of mission situation could occur still seem little more than a pipe dream. It was as a result of operations such as those in Kosovo and Somalia that forced the transitional administrators in East Timor to attempt to avoid a situation where UNTAET could become unable to extricate itself from the operation (Morphet, 2002, p.140-142).

As stated above, this determination to avoid an operational quagmire resulted in the UNTAET staff and the UN's general apparatus pushing for general elections and Timorese independence in the shortest possible timeframe. This rush towards general elections has been criticised for not allowing Timorese political parties sufficient time to organise themselves for the campaigns. The short time frame and the tendency of the UNTAET staffers to side with the dominant Fretilin Party, is argued to be a cause of Fretilin's dominance of Timor's political landscape (Chopra, 2002, pp.992-994).

Yet the dominance of Fretilin and its backers cannot be explained away simply through its popularity as a resistance organisation turned political party. As George Quinn (2006, p.1) argued earlier this year, behind such political manoeuvring is a long and violent history of deep ethnic divisions within Timorese society. This ethnic division can roughly be divided into two opposing factions of “western” and “eastern” East Timorese. While this distinction overlooks the wide variety of tribal and territorial divisions that exist within these groups, it was the overarching “west” versus “east” divisions that had originated under Portuguese rule that were of relevance to the events of 2006 (Byrne, 2006, p.2). The “easterners” are known as the Lorosa’e and are associated with the independence movements and the guerrilla warfare that was a characteristic of the decades of Indonesian occupation, while the “westerners” or Loromonu are often seen as Indonesian sympathisers and having been complicit with the occupation (Quinn, 2006, p.1).

Fretilin as a political party originated from *Frente Revolucionária de Timor-Leste Independente*, the major Timorese resistance group during the country’s occupation by Indonesia.²⁰ The party is famous within the Timorese population not only for its reputation as a resistance organisation, but also for the several leading personalities that have, at various stages, had strong ties with the group, including Xanana Gusmão, Mari Alkatiri, and Jose Ramos Horta²¹ (Shoesmith, 2003, pp.238-242).

²⁰ Frente Revolucionária de Timor-Leste Independente =Revolutionary Front for an Independent East Timor

²¹ Both Gusmão and Ramos Horta withdrew from the party during the 1980s. Dennis Shoesmith argues that this withdrawal was the result of a falling out between Gusmão

Fretilin and its supporters have benefited from this reputation as the leading independence group within Timor, and have been highly successful in transferring this popularity into political capital. Their claims of having been a driving force behind the Indonesian withdrawal in the late 1990s are essentially invalid, but won the party wide support within the Timorese population (Quinn, 2006, pp.1-2).²²

As a result of this popularity, their input and advice was relied upon heavily during the UN intervention. Transitional Administrator Vieira de Mello initially relied heavily on former leader Xanana Gusmão's recommendations during the first months of the nation building operation. However this changed with the rise of Alkatiri as leader of the Fretilin faction who usurped Gusmão's role as a close ally and advisor of the UNTAET administrator (Beauvais, 2001, pp. 1110-1116; Chopra, 2002, p.990; Gorjão, 2002, pp315-320).

In the subsequent build up to independence and general elections in 2001, Fretilin therefore took an increasingly dominant role in the affairs of the state (Chopra, 2002, p. 994). Fretilin was able to embed itself within the UNTAET decision making process,

and Alkatiri. Gusmão has since maintained that Fretilin holds no special privileges over other Timorese political parties. Alkatiri, leader of Fretilin, argues that Fretilin indeed holds privileges, and these privileges are drawn from its reputation as a resistance force during the Indonesian occupation.

²² Though Fretilin enjoys its reputation as the leading Timorese resistance group, it had little influence on the decision by Indonesia to allow a referendum of Timorese independence. This was brought about by the unstable situation within Indonesia following constitutional crises and the damage caused by the Asian Financial Crisis of 1997, accompanied with the relatively weak administration of President Habibie who was reluctant to risk further isolation from the international community at a time when he needed their support.

allowing it to push forward with its agenda for Timorese elections, and the implementation of its own constitution. This dominance exerted by Fretilin also diminished the influence of the President (Chesterman, 2001, pp.168-169; Philpott, 2006, p.149; Smith, 2004, pp.154-155). The results of these elections were outlined above, but it is important in this context to reinforce the point that Fretilin were integral in pressuring UNTAET into holding the elections as early as it did, ensuring that opposition parties had little opportunity to form any significant backing (Philpott, 2006, p.149). This ensured that Fretilin was virtually unopposed in the months following elections. UNTAET's administrators and election observers were concerned by these events, but refrained from intervening, for fear of being seen to interfere in what was to be an indigenous election process (Chopra, 2002, pp.993-994).

Yet it was not only Fretilin's glorified history and ethnic background that gave it influence within the Timorese population. It was also regarded highly by many Timorese for its long standing assistance to the populace during the occupation, and also in the chaos that followed the rejection of Indonesian sovereignty in 1999. This was especially so in remote areas, where resources were scarce and the ability of NGO's, and later UNTAET to reach these regions was often negligible. Fretilin, with its ability to reach areas that have traditionally been the recipients of little international assistance, enjoyed a solid popular base within the regional Timorese population (Hohe, 2002, pp.582-585).

On top of the small electoral timeframe, the previous criticism of UNTAET's centralist tendency also aided Fretilin, as it allowed the party to openly manipulate the political

machinations through much of regional Timor, where 80 percent of the population resides (Philpott, 2006, p.149). Indeed as Tanja Hohe asserts, for many of the Timorese, UNTAET did not exist or had no recognisable representation; the Fretilin party and its representatives were the only symbols of the Timorese political system (Hohe, 2002, p. 183).

In addition to this, Fretilin took large freedoms in their campaign approaches, often referring to their opponents in a derogatory and insulting manner. Anthony L. Smith (2004, p.151) details how “Fretilin spokespeople regularly talked of *dasa rai* (sweeping the ground clean) – a phrase notoriously associated with the genocidal actions of the Indonesian army in the 1970s – in order to describe what the party planned to do to its opponents”. When the UN chartered Independent Electoral Mediation Panel issued a statement against such forms of “verbal harassment”, future Prime Minister Mari Alkatiri publicly accused the panel of attempting to assist other parties in their attempts to defeat Fretilin, and any more serious action was withheld (Smith, 2004, p.151).

During stages of the short election campaign Alkatiri and other Fretilin spokespersons repeatedly predicted the party could poll as much as eighty percent of the vote (Shoesmith, 2003, p. 242). The election results were, however, a surprise as Fretilin failed to gain their much talked about “supermajority” and finished with only a majority of 57.4 percent (Smith, 2004, p151). There are several reasons for Fretilin’s smaller than expected vote count, including the unexpected popularity of prominent Timorese from both during and before the Indonesian occupation who chose to oppose Fretilin, the

exceeding arrogance of the Fretilin campaign rhetoric, and finally, and perhaps most importantly, the increasing hostility towards the party from the then presidential candidate Gusmão (Shoesmith, 2003, pp. 232-240).

Francisco Xavier do Amaral, the former President of East Timor during the Indonesian invasion in 1975, had revived his political fortunes with the Timorese Social Democratic Association (ADST), and had led the party to almost 8 percent of the vote. The six seats that had resulted from these would otherwise have gone Fretilin's way, but these gains became inconsequential as Xavier do Amaral quickly forged an alliance with the ruling party, ensuring that Fretilin gained the seats it needed to proceed with its constitutional reforms. While the spectrum of parties that polled votes in the election proved a revelation for observers, and a concern for Alkatiri and his newly formed cabinet, it did little to change the East Timorese political landscape (Smith, 2004, p. 151).

Despite the fact that Fretilin failed to gain the massive majority that it had confidently predicted, the fact that it still garnered almost 50 percent more of the vote than any other party shows the extent to which Fretilin had become entrenched within the population of East Timor. While there has been rising resistance to Fretilin's dominance and increasing arrogance, the party has continued to regard itself as the only legitimate force within East Timor, and in turn remains the only recognisable form of political authority to a population that remained largely untouched by the UN operation (Neumann, 2006, p. 16).

Despite the lack of literature available on the recent events, the violence in 2006 also highlighted another failing of nation building in East Timor, in that UNTAET failed to address issues of ethnicity during the three year intervention. Issues of violence between groups were largely defined by UNTAET as having political rather than ethnic dimensions. However, accusations of ethnic discrimination have been at the forefront of unrest within Timor during the last months (Kearney, 2006).²³

The crisis in 2006 arose largely from a dispute within the military over the discrimination of six hundred troops who were from the Loromonu, or western, ethnic group. While there was little attention paid to such tensions by the UN during the years leading up to 2006, there were concerns expressed by several observers and former UNTAET staffers over the potential for ethnicity to become an issue. Anthony L. Smith (2004, pp. 157) argued that although “ethnolinguistic distinctions, happily, are neither very stark nor very salient politically” (as of 2004), there was a potential for such tensions to factionalise the Timorese, especially among the political elite.

Simon Philpott’s examination in early 2006 (before the crisis had eventuated) presented a similar situation, but one in which the Smith’s potential factionalism had become a reality. Philpott (2006, pp.151-152) argued that the military, who are responsible directly to President Gusmão, suffer from poorer “pay, conditions and equipment” than their counterparts in the police force, who are under the direction of the elected Fretilin government. Moreover, Philpott (2006, p.151) argued that issues of ethnic tension were

²³ Issues of ethnic violence and tension are not addressed in UNTAET documents during the intervention, or in subsequent missions. Reports often referred to such instances instead as being of political or social origin.

on the rise during late 2005 as the ill-treated armed forces were recruited heavily from the eastern regions, areas historically associated with the Falintil and also seen as Gusmão's powerbase. This, ironically, resulted in those troops who did not associate themselves with Gusmão suffering, as what little resources and opportunities for promotion that did exist were kept for those loyal to the President, leaving the remainder of the troops in even worse conditions.

Therefore, in this instance the tensions that Smith was concerned could factionalise the political elite in Timor did indeed come about through the favouritism shown to the Fretilin controlled police force over the Gusmão-loyal military. This provided the spark that both Philpott and Smith predicted could be used to incite dormant ethnic and regional tensions, as was evident within the military in early 2006. Those troops recruited from the western regions of Timor felt that they were discriminated against by their commanders and other soldiers from the eastern regions, yet this discrimination was increasingly exacerbated by the fact that the military had little resources to begin with. This resulted in the effects of such ethnic discrimination being compounded, and forced a breaking point that ignited the crisis that would follow in the subsequent months of 2006.

After taking their accusations to President Gusmão, the troops returned to their barracks, where they subsequently deserted. Refusing to return to duty in the face of threats of action against them if they continued their protest, the soldiers were consequently discharged from the military by then Prime Minister Mari Alkatiri. This was despite such

an action raising issues of whether the government even had jurisdiction in this matter (Neumann, 2006, p.16).

The dismissed soldiers revolted, leading to clashes between the rebels and their civilian supporters, who were largely unemployed youths of Loromonu origin, and the remaining military and police force loyal to the government (Barker, 2006; Dodd, 2006). The violence that erupted in East Timor, centralised within the capital Dili, has led to the forced evacuation of 130,000 civilians, and finally forced Alkatiri to resign on the 26th of June (Barker, 2006). The unrest has continued throughout 2006, despite the ascension to Prime Minister of the popular José Ramos Horta and the deployment of an Australian led peacekeeping force (Horta, 2006).

As was outlined in chapter one, there are arguments put forward by authors such as Lothar Brock (2001, pp.1-2) and Walker Connor asserting that nation building interventions fail to address, or at least play down, the importance of ethnicity within such operations (Connor *cited in* Brock, 2001, p.1). That the UNTAET intervention also failed to address such issues in Timor has only become obvious to the international community during the past months of unrest. However, such tensions are hardly of recent origin, with such ethnic divisions dating back to the first years of the Indonesian occupation (Da Silva, 2006; Donnan, 2006).

These tensions were exacerbated by continuing concerns about the security forces that were charged with providing stability now that the majority of the peacekeeping troops

had withdrawn. An examination of the UNMISET reports from 2002 through to 2005 shows a continual concern over the ability and reliability of the Timorese police and military, but seemed to have little effect on plans by the UN Security Council to withdraw troops and scale down the operation by mid 2005 (UNMISET, 2003, pp.5-7; UNMISET, 2004, pp. 5-17; UNMISET, 2005, pp.7-9; Security Council Resolution, 2005). This represents a continual trend after 2002 of the greater UN apparatus, especially the Security Council, ignoring concerns that had been raised by both the UNMISET and UNOTIL missions over security and judicial processes within Timor.

While the reports were far more optimistic than corresponding examinations, they did repeatedly call for a longer term mandate for the UN missions in Timor in order to ensure that the country could maintain stability. As late as May 2005 a mission report contained a warning “that the withdrawal of the last United Nations formed troops from Timor Leste may have a negative impact on the overall security situation in the country”, and called for the continued deployment of a small international force (UNMISET, 2005, p.9). This request was not granted by the UN, leaving only civilian observers and advisors in Timor after (2005 UNMISET, 2005, p.9); Security Council Resolution, 2005).

The final argument of this chapter is therefore that the UN withdrew from Timor prematurely, leaving the population with a parliament dominated by a single party, security and police forces that were still in their infancy, and having ignored issues of ethnicity that had the potential to create unrest and division with fledgling institutions such as the military and police. That there was little attention paid to such issues during

both UNTAET and its successor missions, emphasises points made within nation building literature that suggests there is a failure by such interventions to adapt to local issues. Operations tend to heavily rely on previous experiences and a standard methodological approach that is to be adapted to all circumstances, and successes are defined within universal criteria of elections and independence rather than by defining what is required within each specialised operation.

As lauded as the independence of East Timor was in 2002, the events of the subsequent four years, and especially the months of February to July 2006, have shown that it came too soon. This premature handover has resulted in East Timor being at the mercy of international funding and aid programs for the foreseeable future. It risks becoming an increasing strain on the UN and major NGO's such as the World Bank and International Monetary Fund; a strain that could have been avoided if the UNTAET operation had served a sufficient "tour of duty". As Joshua Kurlantzick (2006, p.1) asserts, Timor has become "the UN success story that wasn't", and it will continue not to be at least in the short term.

CONCLUSION

The aim of this thesis has been to provide a limited examination of a form of reconstruction that has been defined in several different ways, but has been referred to as “nation building” during this paper. As a thorough examination of nation building operations throughout the modern period would have been impossible within the time and word restrictions placed on this thesis, a case study of a single nation building operation was undertaken. A case study, while still limited by these constraints, allows for greater depth in the examination of the phases of a nation building operation. East Timor was chosen as the subject of this case study as it was a recent operation, was of particular relevance to Australia, and was regarded as a successful intervention.

However, the direction of the thesis changed with the crisis that occurred in 2006 that began with allegations of ethnic discrimination within the military and police force, and finally forced the resignation of Prime Minister Mari Alkatiri. While the initial research for this thesis had shown that the success of the operation had been exaggerated to an extent, the fallout of the events during 2006 was hard to comprehend more than four years after the operation’s conclusion. The inability of the ruling Fretilin Government to deal with the crisis highlighted that the much publicised stability and strength of the

political systems and institutions in Timor had been overstated, and this made an assessment of the UNTAET nation building operation even more significant.

While the crisis of 2006 necessitated that the thesis take a more negative view of the nation building operation in Timor, this outlook was reinforced by the literature that had been devoted to the intervention from early 2000, with substantial portions of this being produced by former members of the UNTAET intervention²⁴. Criticisms of the intervention ranged from the small timeframe and lack of initial planning to the failure of the transitional administration to ensure Timorese participation in the reconstruction process.

The conclusion to the research of this paper presents the following findings. The initial phase of the operation was successful. Following the violence that erupted after the 1999 referendum, the international community came together quickly to ensure that peacekeepers were deployed to the troubled region in a substantial number in a matter of weeks. This peacekeeping force, INTERFET, moved swiftly to stabilise the region, having secured the majority of the Timorese region by the beginning of 2000. Thus, a stable and secure environment was in place, protected by several thousand peacekeepers, to allow the next phase of nation building to take place.

²⁴ Jarat Chopra was head of district administrations for UNTAET from October 2000 to March 2001. Anthony Goldstone was a senior political affairs officer on the three U.N. missions in East Timor. Dennis Shoemith acted as an occasional consultant in East Timor during 2000-2001. Jonathan Steele acted as a consultant in East Timor during 2001.

This next phase, institution building, was far less successful. Issues specific to the Timorese operation arose. The violence of 1999 had left much of Timor in ruins and would force the operation to essentially create, rather than rebuild, important institutions. A lack of Timorese expertise in many areas of business and governance would force the operation to bring in external advisors to carry out integral portions of the reconstruction process. Such local issues were also exacerbated by failures that have become characteristics of many nation building operations, namely centralisation and a reluctance to include local participation.

A tendency towards centralising power and authority prevented the UNTAET operation from reaching a majority of the Timorese population, meaning that the successes that did occur benefited only a minority. A reluctance to involve the Timorese in the reconstruction process was drawn mainly from the lack of expertise that existed within the population, yet resulted only in ensuring that the Timorese remained largely incapable of taking over the reconstruction process once the international contingent withdrew.

While institution building did take place within East Timor, it did not occur at the depth that was promoted in the various UN mission reports that were examined. Indeed, many of the documents were misleading, promoting the overall success of the operation while at the same time detailing the many challenges that were being faced in integral areas of the institution building process. It is unclear what the aim behind this was. Possibly the operation was fearful of becoming trapped in a long term intervention with no chance of withdrawal. However, the result is a series of contradictory documents that provide

insight into an operation that was torn between conflicting goals. UNTAET's mandate called for a nation building process that would require significant resources and a long term commitment, yet the UN Security Council and the international community were determined that a quick withdrawal was a priority.

Where the building of institutions in Timor was only partially successful at best, the events of 2006 have shown that the movement towards elections and an operational withdrawal was one of unmitigated failure. The elections held in 2001 were held prematurely, preventing the formation of a significant multi-party democracy and effectively securing the Fretilin Party as a dominant long term government. With the elections usurping the initial UNTAET mandate as the measure of the operation's success, the withdrawal of the majority of the international forces soon took place, leaving the majority of the reconstruction process unfinished, and therefore, the Timorese people with essentially a failed state.

The Fretilin Government, having essentially been handed power by the manner in which their dominance in Timor was acceded to by the international community, went virtually unopposed except for resistance from the Timorese President Xanana Gusmão. Yet it was this tension that arose between the government and the President that led to the important institutions such as the FDTL and the PNTL becoming politicised. These institutions, whose own construction and development were themselves at issue throughout the entirety of the reconstruction, proved unable to cope with the pressure of such a conflict. Their failure did, however, assist in highlighting the fact that the withdrawal of

international forces was premature, and were symptoms of a widespread fragility and weakness throughout many of Timor's fledgling institutions, in particular public administration, civil governance, the judiciary and agriculture.

The nation building operation in Timor may yet be saved, but as of 2006 it remains on the brink of failure. The fact that peacekeeping forces are again providing security to the troubled state effectively signals that the operation has come full circle, and must start over. However, the intervention's failure does provide insight into the concept of nation building as a whole. It was argued early in this paper that nation building was ambiguous in that it presented a structure for such operations only at the most superficial of levels. This has proven to be true, in that the many challenges and difficulties that the UNTAET mission and its successors faced in East Timor were hardly able to be foreseen by an examination of the nation building literature available.

The initial phase of the nation building process was, it is conceded, successful. However, this should come as no surprise. The intervention of an overwhelming military force is an appropriate measure to ensure that stability is achieved, and such peacekeeping missions are scattered throughout the mid to late 20th Century, allowing for sufficient institutional knowledge to precede the operation. Yet, while overwhelming force is an adequate solution to lawlessness and violence, recent operations have highlighted the inadequacy of such an option in the long term.

Where the stabilising phase of the operation at least enjoys an effective, if crude, method of success, the institution building phase enjoys no such option. So many interventions have failed at this stage that there is little consensus on any strategy for success that extends further than the simple “reconstruction of institutions”. In its examination, the case study of East Timor can provide some limited insight into this phase. Perhaps the most obvious is that this part of the operation requires long term commitment of both manpower and resources, and that a premature withdrawal will likely only result in the intervening forces having to repeat the reconstruction at some point in the future. Local issues vary so greatly between operations that past experience can count for very little. However, it is noted that issues of centralisation, and a reluctance to include the local population in the reconstruction process, do find a common theme among many nation building operations.

Finally, the withdrawal phase of a nation building operation, rarely even mentioned by literature in this subject field, has been shown in this case study to be of increasing importance. This is especially so when that withdrawal comes prematurely, leaving weak institutions incapable of coping with issues such as ethnic tensions and crises of governance that occur in such unstable environs.

Such a finding becomes the conclusion of both the case study of the East Timorese operation, and the limited examination it allows of such nation building operations as a whole. A premature withdrawal, before the construction of its institutions has been completed, will result in a state that has little regard for such institutions, especially the

complex ideals of responsible governance and judicial process. The result is a breeding ground for tensions that arise over such issues as ethnic, political, and religious differences, in which a dominant group will eventually assume power, often at the terrible expense of the rest of the population.

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APPENDICES

The three appendices on the following pages are publications released by either the UN or UNTAET. The initial two documents should be noted for their promotion of the UNTAET operation and its successes through to the intervention's conclusion in 2002. The final two documents are UN Security Council resolutions; one is the initial resolution on UNTAET's mandate, the second details the final withdrawal of UNMISSET in 2005.

1. UNTAET Press Office Fact Sheet 1: UNTAET's 25 Major Achievements (April 2002).
2. UNTAET Press Office Fact Sheet 20: UNTAET Downsizing (April 2002).
3. UN Security Council Resolution 1272 (1999).
4. UN Security Council Resolution 1599 (2005).

FACT SHEET 1

By UNTAET Press Office

April 2002

UNTAET'S 25 MAJOR ACHIEVEMENTS

The United Nations Transitional Administration in East Timor (UNTAET) was established by the Security Council in October 1999. Here are 25 of the major achievements UNTAET and all its partners have made possible since that time.

- The establishment of **peace and security** in East Timor (Fact Sheets 6 and 17).
- The addressing of humanitarian needs by UNHCR, IOM, WFP and UNICEF, which were all instrumental, together with UNTAET, in ensuring that humanitarian needs were met quickly after the violence of 1999. Over **200,000** refugees, one-quarter of the population, have since **returned** to East Timor (Fact Sheet 9).
- The holding of **free, fair and completely peaceful elections** on 30 August 2001 that resulted in an 88-member Constituent Assembly that drafted and approved East Timor's first Constitution (Fact Sheet 4).
- The creation of the **Second Transitional Government** and appointment of the fully **Timorese Council of Ministers** (Fact Sheet 3) now running the day-to-day activities of the Government. The Council, appointed on 20 September 2001, replaced the Transitional Cabinet created in July 2000 (which consisted of four East Timorese members and four UNTAET representatives).
- The holding of **free, fair and completely peaceful presidential elections** on 14 April 2002 that resulted in the election of independence leader Xanana Gusmão as East Timor's first president (Fact Sheet 5).
- The establishment of a Timorese-led **national programme of civic education** which **trained over 5,500** community leaders and directly involved over **100,000** East Timorese.
- The holding of **200 Constitutional Public Hearings** in June and July 2001 at which 38,000 East Timorese turned out to air their views on what should be considered by the Constituent Assembly when drafting the first Constitution.
- The **registration of 742,461 people**, virtually the entire population currently living in East Timor (excluding the refugees in West Timor), over a three-month period in 2001. This data formed the basis for preparations for the Constituent Assembly and Presidential elections.
- The **normalization of relations with Indonesia** that has resulted in high-level bilateral meetings, and the trialateral talks involving Indonesia and Australia in February and subsequent working level meetings with Indonesian officials on a wide range of issues. **Twelve countries** and the **European Union** have established **Representative Offices in East Timor**.



UNITED NATIONS TRANSITIONAL ADMINISTRATION IN EAST TIMOR (UNTAET)
OFFICE OF COMMUNICATION AND PUBLIC INFORMATION (OCPI)
Not an official document. For information purposes only.

FACT SHEET 1

April 2002

By UNTAET Press Office

- The creation of the **East Timor Defence Force (ETDF)**, with 600 soldiers having been recruited and undergone basic training to form the ETDF's first battalion. A group of 261 young recruits – including 30 women – have now been recruited and after basic training will form the first component of the ETDF's second battalion. (Fact Sheet 16)
- The establishment of the **East Timor Police Service**, with more than 1,697 East Timorese Police Officers having graduated from the Police College in Dili and been deployed in all 13 districts (Fact Sheet 6).
- The establishment of a Civil Service. To date, **approximately 11,000 East Timorese civil servants** have been recruited (Fact Sheet 12).
- The establishment of a functioning **judicial and legal system**, including an East Timorese Prosecutor General's Office and a Defender Service; four District Courts; a Court of Appeals, and prisons in Dili, Baucau and Ermera (Fact Sheet 7).
- The creation of a **Commission on Reception, Truth and Reconciliation** that will seek the truth regarding human rights violations in East Timor within the context of the political conflicts between **25 April 1974 and 25 October 1999**; facilitate **community reconciliation** by dealing with past cases of **lesser crimes**, and ultimately report on its findings and make **recommendations to the government** for further action on reconciliation and the promotion of human rights (Fact Sheet 8).
- The creation of the **first ever functioning Gender Affairs Unit in a Peacekeeping Mission**, which has focused on raising awareness on promoting gender equality in policies and legislation of the East Timor Transitional Administration. Specific gender orientation sessions have also been conducted for the Peacekeeping Force, Civilian Police and East Timor Police Service, on cultural awareness of gender roles and the different impact of conflict and post-conflict reconstruction on the women and men of East Timor. **Twenty-four per cent of Legislative Assembly seats are held by women** – which is the **second highest average in the Asia-Pacific region**.
- The basic rehabilitation of schools throughout the country. More than **700 primary schools, 100 junior secondary schools, 40 pre-schools and 10 technical colleges** are now teaching approximately 240,000 children and older students (Fact Sheet 14).
- The **reconstruction of 32 major public buildings** by the East Timor Transitional Administration. Seven major buildings are currently under reconstruction, two in the capital Dili and five in Baucau, Ermera, Liquiça and Oecussi districts (Fact Sheet 13).
- The initialization of an agreement with Australia on oil and gas reserves, the **Timor Sea Arrangement**; commencing in 2004, this has the potential to provide East Timor with billions in revenue over the following 20 years (Fact Sheet 18).
- The **creation of Radio UNTAET**, whose coverage extends to all of East Timor and some refugee camps in West Timor, and **TVTL**, whose broadcasts are seen in Dili and Baucau with highlights shown at public gatherings in other districts (Fact Sheet 19).



UNITED NATIONS TRANSITIONAL ADMINISTRATION IN EAST TIMOR (UNTAET)
OFFICE OF COMMUNICATION AND PUBLIC INFORMATION (OCPI)
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FACT SHEET 1

April 2002

By UNTAET Press Office

- **Basic public services** have been put in place in a wide range of areas including health, education and infrastructure. Electricity has been re-established and clear water is being provided in urban areas following the widespread destruction of these facilities in 1999 (Fact Sheets 13, 14 and 15).
- The initiation of a major **road rehabilitation programme**, focusing on the repair and maintenance of a 1,000-kilometer core road network neglected for more than two decades. The **Dili Port** is busy with shipping. The **Dili international airport** was reopened for commercial flights in early 2000. Now under civilian administration, it handles international flights by five carriers.
- The early formation of a **Central Fiscal Authority**, the precursor to the current Ministry of Finance, to ensure that East Timor's limited resources are used effectively and that the country has a stable fiscal framework for a sustainable economy.
- The establishment of a **Banking and Payments Authority** (initially called the Central Payments Office) that functions as the proto-Central Bank. This institution has developed and manages correspondent banking facilities with foreign and central commercial banks, and manages the government payroll.
- The establishment of a **Small Enterprises Project** to help restart viable economic activities in the private sector. This has helped create an entrepreneurial class while generating employment in urban areas.
- The **rehabilitation** of two-thirds of the **arable land**; the **restoration of livestock** by importing and vaccinating cattle and buffalo; and the provision of nets and boats to small fishing enterprises to tap the rich potential of East Timor's waters.

The above developments were achieved with the active assistance of donor countries, World Bank, UN Agencies, NGOs and many other partners.



UNITED NATIONS TRANSITIONAL ADMINISTRATION IN EAST TIMOR (UNTAET)
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UNTAET DOWNSIZING

- The United Nations Security Council on 31 October 2001 endorsed Secretary-General Kofi Annan's recommendations that the UN continue its role in East Timor after the territory's independence. The 15-member body also backed the recommendation of East Timor's Constituent Assembly that independence be declared on 20 May 2002. The UN Security Council reaffirmed its endorsement on 31 January 2002, and is expected to undertake a final consideration of the UNTAET mandate in the second half of April 2002.
- All reductions are being implemented in a **phased manner** to minimize the negative effect on the delivery of basic government services and on the local economy, as well as to ensure that the job of establishing a sustainable administration is advanced.
- The Secretary-General reported on 17 January 2002 that, "steady progress has been made in the adjustment of UNTAET's size and configuration to reflect more closely the post-independence role of the United Nations, as endorsed by the Security Council [on 31 October 2001]."
- Accordingly, **civilian UNTAET personnel advising the Transitional Government** were reduced by 35 percent by September 2001, and have been reduced in a second tranche of downsizing which started in January 2002. Progressively over a four-month period to the end of April 2002, over 380 positions will have been cut, leaving **25 percent of the original establishment in place by independence**.
- In light of the continued prevailing stable security conditions in East Timor, UNTAET began reducing its military component in mid-November 2001. The current authorized strength of nearly **8,950 peacekeeping troops and military observers** has been **reduced to 6,000**, deployed personnel and will be drawn down to 5,000 by independence.
- Similarly, the **United Nations Police**, with an authorized strength of 1,640, have been reduced to close to the target of **1,130 by independence**. This figure includes the United Nations Special Police Units in East Timor, which are expected to withdraw by 1 July 2002.
- In October, the Security Council agreed with the Secretary-General's assessment that the UN should remain engaged in East Timor to consolidate UNTAET's major achievements so far, to build on those accomplishments and to help the East Timorese government in ensuring security and stability.





Security Council

Distr.
GENERAL

S/RES/1272 (1999)
25 October 1999

RESOLUTION 1272 (1999)

Adopted by the Security Council at its 4057th meeting,
on 25 October 1999

The Security Council,

Recalling its previous resolutions and the statements of its President on the situation in East Timor, in particular resolutions 384 (1975) of 22 December 1975, 389 (1976) of 22 April 1976, 1236 (1999) of 7 May 1999, 1246 (1999) of 11 June 1999, 1262 (1999) of 27 August 1999 and 1264 (1999) of 15 September 1999,

Recalling also the Agreement between Indonesia and Portugal on the question of East Timor of 5 May 1999 and the Agreements between the United Nations and the Governments of Indonesia and Portugal of the same date regarding the modalities for the popular consultation of the East Timorese through a direct ballot and security arrangements (S/1999/513, annexes I to III),

Reiterating its welcome for the successful conduct of the popular consultation of the East Timorese people of 30 August 1999, and taking note of its outcome through which the East Timorese people expressed their clear wish to begin a process of transition under the authority of the United Nations towards independence, which it regards as an accurate reflection of the views of the East Timorese people,

Welcoming the decision of the Indonesian People's Consultative Assembly on 19 October 1999 concerning East Timor,

Stressing the importance of reconciliation among the East Timorese people,

Commending the United Nations Mission in East Timor (UNAMET) for the admirable courage and determination shown in the implementation of its mandate,

Welcoming the deployment of a multinational force to East Timor pursuant to resolution 1264 (1999), and recognizing the importance of continued cooperation between the Government of Indonesia and the multinational force in this regard,

Noting the report of the Secretary-General of 4 October 1999 (S/1999/1024),

Noting with satisfaction the successful outcome of the trilateral meeting held on 28 September 1999, as outlined in the report of the Secretary-General,

Deeply concerned by the grave humanitarian situation resulting from violence in East Timor and the large-scale displacement and relocation of East Timorese civilians, including large numbers of women and children,

Reaffirming the need for all parties to ensure that the rights of refugees and displaced persons are protected, and that they are able to return voluntarily in safety and security to their homes,

Reaffirming respect for the sovereignty and territorial integrity of Indonesia,

Noting the importance of ensuring the security of the boundaries of East Timor, and noting in this regard the expressed intention of the Indonesian authorities to cooperate with the multinational force deployed pursuant to resolution 1264 (1999) and with the United Nations Transitional Administration in East Timor,

Expressing its concern at reports indicating that systematic, widespread and flagrant violations of international humanitarian and human rights law have been committed in East Timor, stressing that persons committing such violations bear individual responsibility, and calling on all parties to cooperate with investigations into these reports,

Recalling the relevant principles contained in the Convention on the Safety of United Nations and Associated Personnel adopted on 9 December 1994,

Determining that the continuing situation in East Timor constitutes a threat to peace and security,

Acting under Chapter VII of the Charter of the United Nations,

1. Decides to establish, in accordance with the report of the Secretary-General, a United Nations Transitional Administration in East Timor (UNTAET), which will be endowed with overall responsibility for the administration of East Timor and will be empowered to exercise all legislative and executive authority, including the administration of justice;

2. Decides also that the mandate of UNTAET shall consist of the following elements:

(a) To provide security and maintain law and order throughout the territory of East Timor;

(b) To establish an effective administration;

(c) To assist in the development of civil and social services;

(d) To ensure the coordination and delivery of humanitarian assistance, rehabilitation and development assistance;

/...

(e) To support capacity-building for self-government;

(f) To assist in the establishment of conditions for sustainable development;

3. Decides further that UNTAET will have objectives and a structure along the lines set out in part IV of the report of the Secretary-General, and in particular that its main components will be:

(a) A governance and public administration component, including an international police element with a strength of up to 1,640 officers;

(b) A humanitarian assistance and emergency rehabilitation component;

(c) A military component, with a strength of up to 8,950 troops and up to 200 military observers;

4. Authorizes UNTAET to take all necessary measures to fulfil its mandate;

5. Recognizes that, in developing and performing its functions under its mandate, UNTAET will need to draw on the expertise and capacity of Member States, United Nations agencies and other international organizations, including the international financial institutions;

6. Welcomes the intention of the Secretary-General to appoint a Special Representative who, as the Transitional Administrator, will be responsible for all aspects of the United Nations work in East Timor and will have the power to enact new laws and regulations and to amend, suspend or repeal existing ones;

7. Stresses the importance of cooperation between Indonesia, Portugal and UNTAET in the implementation of this resolution;

8. Stresses the need for UNTAET to consult and cooperate closely with the East Timorese people in order to carry out its mandate effectively with a view to the development of local democratic institutions, including an independent East Timorese human rights institution, and the transfer to these institutions of its administrative and public service functions;

9. Requests UNTAET and the multinational force deployed pursuant to resolution 1264 (1999) to cooperate closely with each other, with a view also to the replacement as soon as possible of the multinational force by the military component of UNTAET, as notified by the Secretary-General having consulted the leadership of the multinational force, taking into account conditions on the ground;

10. Reiterates the urgent need for coordinated humanitarian and reconstruction assistance, and calls upon all parties to cooperate with humanitarian and human rights organizations so as to ensure their safety, the protection of civilians, in particular children, the safe return of refugees and displaced persons and the effective delivery of humanitarian aid;

/...

11. Welcomes the commitment of the Indonesian authorities to allow the refugees and displaced persons in West Timor and elsewhere in Indonesia to choose whether to return to East Timor, remain where they are or be resettled in other parts of Indonesia, and stresses the importance of allowing full, safe and unimpeded access by humanitarian organizations in carrying out their work;

12. Stresses that it is the responsibility of the Indonesian authorities to take immediate and effective measures to ensure the safe return of refugees in West Timor and other parts of Indonesia to East Timor, the security of refugees, and the civilian and humanitarian character of refugee camps and settlements, in particular by curbing the violent and intimidatory activities of the militias there;

13. Welcomes the intention of the Secretary-General to establish a Trust Fund available for, inter alia, the rehabilitation of essential infrastructure, including the building of basic institutions, the functioning of public services and utilities, and the salaries of local civil servants;

14. Encourages Member States and international agencies and organizations to provide personnel, equipment and other resources to UNTAET as requested by the Secretary-General, including for the building of basic institutions and capacity, and stresses the need for the closest possible coordination of these efforts;

15. Underlines the importance of including in UNTAET personnel with appropriate training in international humanitarian, human rights and refugee law, including child and gender-related provisions, negotiation and communication skills, cultural awareness and civilian-military coordination;

16. Condemns all violence and acts in support of violence in East Timor, calls for their immediate end, and demands that those responsible for such violence be brought to justice;

17. Decides to establish UNTAET for an initial period until 31 January 2001;

18. Requests the Secretary-General to keep the Council closely and regularly informed of progress towards the implementation of this resolution, including, in particular, with regard to the deployment of UNTAET and possible future reductions of its military component if the situation in East Timor improves, and to submit a report within three months of the date of adoption of this resolution and every six months thereafter;

19. Decides to remain actively seized of the matter.

**Security Council**Distr.: General
28 April 2005

Resolution 1599 (2005)**Adopted by the Security Council at its 5171st meeting,
on 28 April 2005***The Security Council,*

Reaffirming its previous resolutions on the situation in Timor-Leste, in particular its resolutions 1543 (2004) of 14 May 2004 and 1573 (2004) of 16 November 2004,

Having considered the report of the Secretary-General of 18 February 2005 (S/2005/99),

Commending the people and the Government of Timor-Leste for the peace and stability they have achieved in the country, as well as for their continuing efforts towards consolidating democracy and strengthening State institutions,

Further commending the United Nations Mission of Support in Timor-Leste (UNMISET), under the leadership of the Special Representative of the Secretary-General, and welcoming the continuing progress made towards the completion of key tasks inscribed in its mandate, particularly during its consolidation phase, in accordance with Security Council resolutions 1543 (2004) and 1573 (2004),

Paying tribute to Timor-Leste's bilateral and multilateral partners for their invaluable assistance, particularly with regard to institutional capacity-building and social and economic development,

Expressing its appreciation to those Member States which have provided support to UNMISET,

Having considered the letter dated 20 January 2005, from the Prime Minister of Timor-Leste to the Secretary-General (S/2005/103),

Noting the Secretary-General's analysis of the need for a United Nations presence to remain in Timor-Leste after 20 May 2005, although at a reduced level,

Noting also that the emerging institutions in Timor-Leste are still in the process of consolidation and that further assistance is required to ensure sustained development and strengthening of key sectors, mainly rule of law, including justice, human rights, and support for the Timor-Leste police, and other public administration,

Acknowledging the excellent communication and good will that have characterized relations between Timor-Leste and Indonesia including the decision to establish a Truth and Friendship Commission, and their land border agreement signed in Dili 8 April 2005, which covers approximately 96 per cent of the land border, and encouraging continued efforts by both Governments towards resolving this and all pending bilateral issues,

Acknowledging the Secretary-General's decision outlined in his letter to the Security Council dated 11 January 2005 (S/2005/96) to send a Commission of Experts to Timor-Leste and Indonesia to review the serious crimes accountability processes, and recommend further measures as appropriate,

Remaining fully committed to the promotion of long-lasting stability in Timor-Leste,

1. *Decides* to establish a one-year follow-on special political mission in Timor-Leste, the United Nations Office in Timor-Leste (UNOTIL), which will remain in Timor-Leste until 20 May 2006;

2. *Decides further* that UNOTIL will have the following mandate:

(i) to support the development of critical State institutions through provision of up to 45 civilian advisers;

(ii) to support further development of the police through provision of up to 40 police advisers, and support for development of the Border Patrol Unit (BPU), through provision of up to 35 additional advisers, 15 of whom may be military advisers;

(iii) to provide training in observance of democratic governance and human rights through provision of up to 10 human rights officers; and

(iv) to monitor and review progress in (i) through (iii) above;

3. *Requests* that, when implementing its mandate, UNOTIL emphasize proper transfer of skills and knowledge in order to build the capacity of the public institutions of Timor-Leste to deliver their services in accordance with international principles of rule of law, justice, human rights, democratic governance, transparency, accountability and professionalism;

4. *Requests further* that UNOTIL be led by a Special Representative of the Secretary-General, who will direct the operations of the mission and coordinate all United Nations activities in Timor-Leste through his office, with due attention to safety of personnel, and facilitated by appropriate levels of logistics support, including transportation assets, such as air transport when necessary;

5. *Requests* that the Secretary-General deploy some of the advisers, authorized in paragraph 2 (ii) above, to assist the National Police of Timor-Leste in developing procedures for and in training the Border Patrol Unit (BPU) and to assist the Timor-Leste Government in coordinating contacts with the Indonesian military, with the objective of transferring skills to the BPU to assume full responsibility for such coordination as soon as possible;

6. *Underlines* that United Nations assistance to Timor-Leste should be coordinated with the efforts of bilateral and multilateral donors, regional mechanisms, non-governmental organizations, private sector organizations and other

actors from within the international community, and encourages the Special Representative of the Secretary-General to establish and chair a consultative group, made up of these stakeholders in Timor-Leste, that will meet regularly for that purpose;

7. *Urges* the donor community as well as the United Nations agencies and multilateral financial institutions to continue providing resources and assistance for the implementation of projects towards sustainable and long-term development in Timor-Leste, and urges the donor community to actively participate in the donor's conference scheduled to be held in April 2005;

8. *Encourages*, in particular, the Government of Timor-Leste, UNOTIL, the United Nations Secretariat, United Nations development and humanitarian agencies, and multilateral financial institutions to start immediately planning for a smooth and rapid transition, in Timor-Leste, from a special political mission to a sustainable development assistance framework;

9. *Reaffirms* the need for credible accountability for the serious human rights violations committed in East Timor in 1999, and, in this regard, underlines the need for the United Nations Secretariat, in agreement with Timor-Leste authorities, to preserve a complete copy of all the records compiled by the Serious Crimes Unit, calls on all parties to cooperate fully with the work of the Secretary-General's Commission of Experts, and looks forward to the Commission's upcoming report exploring possible ways to address this issue, including ways of assisting the Truth and Friendship Commission, which Indonesia and Timor-Leste have agreed to establish;

10. *Requests* the Secretary-General to keep the Council closely and regularly informed of developments on the ground and of the implementation of the mandate of UNOTIL, and the planning for a transition to a sustainable development assistance framework, and to submit a report within four months of the date of adoption of the present resolution and every four months thereafter, with recommendations for any modifications such progress might allow to size, composition, mandate and duration of the UNOTIL presence;

11. *Decides* to remain actively seized of the matter.